

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

234-A

**CRM-M-31651-2022 (O&M)
Date of decision: 07.12.2022**

Bharti Singh @ Dharam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Pankaj Garg, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.70 dated 31.05.2019, registered at Police Station Jhunir, District Mansa, under Sections 307, 336, 353, 186, 212, 216-A, 148 and 149 IPC (Sections 315, 380, 450, 411 and 473 IPC added later on), and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that as per the prosecution, the petitioner has fired a shot upon the police party but it did not result into any injury; that the recovery of 0.12 bore weapon along with two live and two empty cartridges has been effected in the present case; that as far as 10 other cases are concerned, the petitioner is on bail in those cases; that two co-accused, namely, Akashpreet Singh @ Laddi and Jaman Singh (main accused) have since been granted the concession of regular bail by a Coordinate Bench on 19.06.2020 and 07.09.2021, respectively; that co-accused, namely, Jaspal Singh alias Jassi has since been granted the concession of regular bail by learned Addl. Sessions Judge, Mansa, vide order dated 29.01.2020; that the petitioner has been in custody since 31.05.2019 and that out of 39 prosecution witnesses, only 08 have been examined so far.

Learned counsel for the petitioner points out that it is a no injury case and that co-accused Karamveer Singh @ Krishan Singh has also been granted regular bail by this Court today itself.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner had actively participated in the occurrence; that he along with co-accused had fired shots towards the police party and that the shot fired by co-accused Jaman Singh landed on the bulletproof jacket of a police official. However, he does not dispute the custody period of the petitioner and the fact that in 10 other cases, the petitioner is already on bail. He submits that out of 39 prosecution witnesses, 08 have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 31.05.2019. It is a no injury case. In 10 other cases, the petitioner is on bail. Four co-accused are on bail, including Jaman Singh, who was attributed a fire shot on the bullet proof jacket of one of the police officials. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

07.12.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No