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

CRM-M-33586-2022

Date of Decision: 05.08.2022

Amarjit Singh @ Sona

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for the grant of regular bail to the petitioner in FIR No.146, dated 06.08.2020, registered under Sections 307, 452, 427, 506, 148 & 149 of the IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Majitha, District Amritsar (Rural).

Learned counsel for the petitioner argues that the allegations alleged against the petitioner in the present FIR were false from the day one and now, the said fact has also been proved as the complainant has not supported the prosecution version in his testimony.

Learned counsel for the petitioner submits that as nothing against the petitioner has come on record so far to relate him with the allegations alleged against him in the FIR and the trial is also likely to take

some time to conclude as only two witnesses out of the total twenty one

witnesses have been examined by now, therefore, the petitioner may kindly be extended the concession of regular bail.

Learned State counsel though concedes the facts that the complainant has been examined and he has not supported the prosecution version, but submits that merely due the said facts, it cannot be said that the petitioner is innocent as culpability or his innocence will only be determined on the basis of the total evidence that will come on record during the trial, hence petitioner's prayer for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, the culpability of the petitioner or his innocence will be decided on the basis of the total evidence that will come on record during the trial, but the question that arises before this Court for consideration is whether keeping in view the facts and evidence which has come on record, the petitioner should be kept behind the bars during the entire period of trial in the present case or not.

Keeping in view the facts that as of now no evidence has come on record so far to implicate the petitioner with regard to the allegations alleged against him in the FIR and the complainant stands already examined, who has not supported the prosecution version, coupled with the fact that trial is likely to take some time before it concludes as only two witnesses out of the total twenty one witnesses have been examined by now, no useful purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial.

Hence, in view of the above stated fact and also the undertaking

of the learned counsel for the petitioner submitted before this Court that in case the petitioner is extended the concession of regular bail, he will maintain good conduct and will not influence the trial or any witnesses in any manner, without commenting upon the merits of the case, the present petition is disposed of and the petitioner is directed to be released on regular bail, if not liable to be retained behind the bars in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

05.08.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No