

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32713-2020 (O&M)
Date of Decision:-22.2.2022

Amar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Charan Singh.

Mr. Navkiran Singh, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.22 dated 01.04.2017, Police Station Valtoha, District Tarn Taran, under Sections 302, 307, 452, 427, 506, 148 & 149 IPC and Sections 25, 27, 54 & 59 of the Arms Act, 1959.
2. The FIR in question was lodged at the instance of Budh Singh, wherein it is alleged that on 31.3.2017, Sarwan Singh @ Kaku, Ajit Singh and Gurpreet Singh @ Ladda inflicted firearm injuries to deceased Kulwant Singh @ Gulu and Gurwinder Singh. Although Gurpreet Singh @ Ladda, upon conclusion

of investigation was found to be innocent by the police, but was summoned by the Trial Court with the aid of Section 319 Cr.P.C. The petitioner Amar Singh, who is son of co-accused Ajit Singh, although stated to be empty handed, but is alleged to have snatched the gun from his father Ajit Singh and fired a shot at the complainant hitting on his right leg.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on account of the fact that he happens to be son of co-accused Ajit Singh, who was carrying a gun, and that the purpose of false implication is to rope in the entire family of Ajit Singh. Learned counsel submits that, in any case, even if the allegations as levelled against the petitioner, are taken to be correct, he at best is attributed a simple injury on a non-vital part i.e. on leg of complainant Budh Singh and is not attributed any injury to either of the two deceased. Learned counsel further submits that the petitioner, in any case, has been behind bars for a substantial period of about 4 years and 10 months and is a young man aged 28 years having a clean record and, as such, deserves the concession of bail.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner's name figures in the FIR and he is also attributed an injury with the help of a firearm, his complicity is clearly evident and, as such, even if he is attributed any simple injury, he on account of sharing a common object with the co-accused, does not deserve any leniency in the matter for grant of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 years and 10 months and that as on date 5 out of the cited 26

PWs have been examined. It has also been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is named in the FIR and there are also allegations to the effect that he had fired at the complainant with the help of a gun. There is, however, no specific allegation to the effect that the petitioner had fired at any of the two deceased. In any case, since the petitioner was accompanying the other accused, who are alleged to have fired at the deceased, the petitioner may not be able to escape from his liability. However, without commenting anything as regards merits of the case, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 4 years and 10 months. Conclusion of trial is likely to consume time inasmuch as only 5 out of the cited 26 PWs have been examined so far. The petitioner otherwise is stated to be having a clean record and is not stated to be involved in any other case.
7. Having regard to the aforesaid factual position, the petition merits acceptance and is hereby accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

22.2.2022

pankaj

(**Gurvinder Singh Gill**)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No