

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

304

CRM-M-35605-2022 (O&M)

Date of Decision: 27.09.2022

SUKHDEV SINGH @ KALLU

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-35922-2022

Learned counsel for the applicant-petitioner does not press this application.

Dismissed as not pressed.

CRM-M-35605-2022

Through this second petition, the petitioner seeks regular bail in case bearing cross-version DDR No.25 dated 08.05.2020, registered under Sections 307, 336, 323, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 in FIR No.43 dated 01.05.2020, registered under Sections 302, 323, 324, 148 and 149 IPC, at Police Station Gharinda, Amritsar Rural.

Status report by way of an affidavit dated 27.09.2022 of the Deputy Superintendent of Police, Sub-Division Attari, Amritsar Rural, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that FIR No.43 dated 01.05.2020 was registered at the behest of Balkaran Singh (one of the family member of the petitioner) against the complainant herein; that the present DDR is a counter-blast to the said FIR, which was registered after a delay of seven days; that though the petitioner was armed with a .315 bore rifle, yet no injury has been attributed to him and that the petitioner has been in custody since 10.09.2021. He further submits that as far as other cases registered and/or pending against the petitioner are concerned, he had either been acquitted or undergone the entire sentence and that in two pending cases, the petitioner is on bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner and the fact that no injury has been attributed to the petitioner. He, however, submits that in the present case Jaskaran Singh @ Rinku was murdered by the accused persons and that the petitioner had actively participated in the occurrence, inasmuch as, he after firing from .315 bore rifle, has left the same at the spot. He further submits that empty cartridges were also recovered from the spot and that the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.09.2021 and no injury has been attributed to the petitioner. In others cases, the petitioner has either been acquitted or undergone the entire sentence and in two pending cases, he is on bail. Prosecution evidence is yet to commence.

In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

27.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No