

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

CRM-M-39747-2021

Date of Decision:-18.05.2022

Akashdeep Singh @ Akash.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sidhant Vermani, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.55 dated 14.03.2020 under Sections 307, 201, 341, 148, 149, 120-B and 34 IPC and Section 25/27 of Arms Act registered at Police Station Goindwal Sahib, District Tarn Taran.

The brief facts of the case are that the present FIR came to be registered at the instance of Lakhwinder Singh son of Fauja Singh who stated that he had two children Kamalvir Kaur who is married and Amardeep Singh who was married to Navreet Kaur, Sarpanch of the village. On the date of occurrence at about 6.00 PM while he was going to his farmhouse three unidentified person on two motor cycles signalled him to stop. Out of the three persons two were holding pistols in their hands and they fired shots directly at him with intention to kill him. One shot hit him on the left thigh and second below his right shoulder. After scuffling with them those unidentified persons fled away from the spot on their motor cycles. Based on the said allegations, the present FIR came to be registered.

The Counsel for the petitioner submits that the petitioner has

nothing to do with the occurrence in question. His name figured first time on 16.04.2020 when the supplementary statement of the complainant was recorded that as per his investigation the shots had been fired by Jobanjit Singh and Hardeep Singh, the co-accused of the present petitioner, and all the three were on one motor cycle. He submits that there is a discrepancy between the version in the FIR and the version in the supplementary statement. Even otherwise, there was no motive for the petitioner to have committed the offence in question and the allegations of having fired upon the complainant have been levelled against his co-accused Jobanjit Singh and Hardeep Singh whereas the petitioner has not been attributed any injury. It is lastly contended that the petitioner was arrested on 26.05.2020, the investigation is complete, and the challan already stands submitted. As many as 29 prosecution witnesses are to be examined, none of whom have been examined so far and since the Trial was not likely to be concluded in the near future the petitioner deserve the concession of bail.

The Counsel for the State on the other hand submits that the petitioner has been named as an accomplice of the two main accused Jobanjit Singh and Hardeep Singh in the supplementary statement of the complainant. The complainant has duly identified the accused in police custody and merely because the petitioner was not named in the FIR does not entitle him to the grant of bail. He further submits that the petitioner is involved in one other case bearing FIR No.103 dated 16.04.2020 under Sections 188, 379-B, 473 IPC and Section 25/54/59 of Arms Act registered at P.S. Beas.

I have heard learned Counsel for the parties.

As per the case of the prosecution no injury has been attributed to the Petitioner. The petitioner is in custody since 26.05.2020 and as many as 29 witnesses are cited in the list of witnesses, out of whom none have been examined so far.

On 06.04.2022 this Court had requested the trial Court to record the statement of the complainant on the next date fixed before it as it had been brought to the notice of this Court that the case was listed for prosecution evidence. However, the counsel for the State has informed the court that the case has not even been committed to the court of Sessions.

Thus apparently the Trial is not likely to be concluded in the near future.

Keeping in view the aforementioned facts and without commenting on the merits of the case, the present petition is allowed and the petitioner **Akashdeep Singh @ Akash** son of Sh. Saroop Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

The petitioner shall make no attempt to contact/threat/intimidate the witnesses to the occurrence either directly or through a third party and if any such attempt is made, the State is at liberty to seek cancellation of bail granted by this order.

If the petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 18, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>