

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

217

CRM-M-48311-2021 (O&M)

Date of Decision: 11.03.2022

Randhir Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.182 dated 31.08.2020 at Police Station Mohkamura, District Police Commissionerate Amritsar, under Sections 307/387/452/506/120-B IPC and Section 25 of the Arms Act.
2. The FIR was lodged at the instance of Vikas Sharma, wherein it is alleged that Prince Jahaz had been threatening him to arrange an amount of Rs.10 lakhs. Although the complainant had expressed that he could not arrange for such a huge amount, but on 31.08.2020, Prince Jahaz alongwith Mandeep Kumar came to his house on motor-cycle while carrying pistols in their hands. It is alleged that Prince Jahaz pointed the pistol at complainant's ear and again asked for money. Although the complainant's mother pleaded with him to spare the complainant, but to no avail. Prince

Jahaz with an intention to kill the complainant fired a bullet at him, but the complainant jumped on one side and escaped from being hit. The complainant shut the door from inside and his mother raised alarm and on account of which the accused ran away from the spot.

3. Learned counsel for the petitioner has submitted that even if the allegations as leveled in the FIR are taken to be correct, it is only Prince Jahaz and Mandeep Kumar, who had gone on a motor-cycle to the house of the complainant and had fired at him and that the petitioner is nowhere alleged to have participated in the occurrence. Learned counsel has further submitted that he has falsely been implicated in the present case subsequently on the basis of alleged disclosure statement stated to have been made by Mandeep Kumar to the effect that the petitioner had conducted *recce* of the house of the complainant so as to facilitate the commission of crime.
4. Opposing the petition, learned State counsel has submitted that since one of the co-accused, who is specifically named in the FIR, has nominated the petitioner to be their accomplice and has categorically stated that the petitioner has conducted *recce* of the place of occurrence, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year & 4 months and that although charges have been framed, but no witness out of cited 28 PWs has been examined. It has further been informed that

the petitioner happens to be involved in 3 other cases registered for offence/s under IPC.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated in the disclosure statement made by one of the co-accused, the admissibility and veracity of which would be debatable. In any case, even as per the said disclosure statement the petitioner is not alleged to have participated in the assault made on the complainant and only role attributed to him is that he had conducted *recce* of the place of occurrence. The petitioner, in any case, has been behind bars for a substantial period of more than 1 year & 4 months. The trial has not commenced till date inasmuch as no PW out of cited 28 PWs has been examined. Conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is 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.

11.03.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No