

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

235

CRM-M-44264 of 2022  
Date of Decision:-**06.12.2022**

Kulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

\*\*\*\*

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. P.B.S. Goraya, Advocate  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

**KARAMJIT SINGH, J.** (Oral)

Prayer is for grant of regular bail in case having FIR No.115 dated 24.07.2020 registered under Sections 307, 353, 186, 120-B IPC, 1860, and under Sections 25, 54, 59, Arms Act at P.S. Kharar, District SAS Nagar Mohali.

The counsel for the petitioner *inter-alia* contended that the petitioner was falsely implicated in the present case at the instance of the police officials who cordoned flat no.6019, Aman homes, New Sunny Enclave, Kharar and there are allegations that firing also started from inside the flat with the intention to kill the members of the police party headed by the Superintendent of police (detective) Mohali and that on account of said firing, no one sustained injuries from the side of the police party and rather co-accused Navdeep Singh sustained a fire-arm injury at the hands of the police. The counsel for the petitioner further submits that the petitioner who was arrested at the spot is in custody for the last more than 02 years and 04 months but the trial is not progressing ahead. The counsel for the petitioner further submits that the similarly situated co-accused persons who were apprehended at the spot along with the petitioner are already granted the benefit of the regular bail vide orders Annexure P-1 to Annexure P-3.

The present petition is opposed by the State counsel, who is having advance copy of the same. He on instructions from ASI Karambir Singh has submitted that the petitioner is a dreaded gangster and he along with his companions fired at the police party from flat no.6019 and thereafter all of them

were apprehended by the police at the spot and one 9 mm pistol, 2 magazines and 5 live cartridges were recovered from him at the time of his arrest. However, the State counsel has not disputed the fact that the custody period of the petitioner comes out to be more than 2 years 4 months and trial is not going ahead and till date no prosecution witness has been examined and the fact that the similarly situated co-accused Amrik Singh, Amrit Pal Singh and Parminder Singh @ Pinda are granted concession of regular bail by the Co-ordinate Bench of this Court vide orders Annexure P-1 to Annexure P-3.

Admittedly, the recoveries have already been effected in the present case and no member of the police party sustained injuries and further the petitioner is behind the bars for the last more than 02 years and 04 months and the trial is not progressing ahead and three of the other accused persons, who were apprehended at the spot along with fire arms, have been given benefit of regular bail vide Annexure P-1 to Annexure P-3. This Court is of the view that no purpose is going to be served by prolonging the judicial custody of the present petitioner for any longer period as it will take considerable time for the trial to conclude.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

06.12.2022  
joyti

**(KARAMJIT SINGH)**  
**JUDGE**

Whether reasoned / speaking?  
Whether reportable?

Yes / No  
Yes / No