

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-47123 of 2022

Date of Decision: 24.11.2022

Sarwan Singh alias Sunny Chol

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent.

Anil Kshetarpal, J.

1. This is the petitioner's fourth attempt to seek bail during the pendency of the trial in a criminal case arising from FIR No. 101 dated 17.04.2019, registered under Section 307, 379-B, 120-B and 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Sadar, Amritsar.

2. While dismissing the first petition, it was noticed that the petitioner is a habitual offender and involved in as many as three other cases including the one filed under Section 302 IPC.

3. The learned counsel representing the petitioner informs the Court that the petitioner has earned an acquittal in the case filed under Section 302 IPC.

4. As per the case of the prosecution, the petitioner along with three other persons came on two motorcycles with muffled faces and after causing the gun shot injuries on the person of Salesmen, fled away with the car of the liquor vendor. Three pistols were also recovered from the accused.

The learned counsel representing the petitioner contends that

none of the pistols have been recovered from the petitioner and he has already suffered incarceration for a period of three years, five months and five days. He submits that now, only one more case filed under Section 307 IPC is pending against the petitioner. While contending that the victims did not support the prosecution while deposing in the Court, he prays for grant of the concession of bail.

6. On the other hand, the learned State counsel, on the instructions from Assistant Sub Inspector Kulwinder Singh, does not dispute the factual facts noticed above, however, contends that the petitioner should not be granted the concession of bail.

7. As already noticed, the petitioner has already earned acquittal in a case filed under Section 302 IPC. Moreover, the victims have not supported the case of the prosecution. The petitioner has already suffered incarceration for a period of three years, five months and five days. The learned State counsel has informed the Court that out of 26 prosecution witnesses, proposed to be examined, only the statements of three witnesses have been recorded. The conclusion of the trial is likely to take some time.

8. Keeping in view the aforesaid facts, it is considered appropriate to enlarge the petitioner on bail. Hence, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate.

(Anil Kshetarpal)
Judge

November 24, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No