

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

CRM-M-54329-2022 (O&M)

Date of decision: 29.11.2022

Kuldeep Singh @ Jujj

....Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vaibhav Narang, Advocate for the petitioner

Mr.K.S.Kang, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

This is the petitioner's fourth attempt to get bail pending trial in a criminal case arising from FIR No.101 dated 17.04.2019 registered under Section 307, 379-B (2), 120-B IPC (Section 394 IPC added subsequently) and Section 25 of the Arms Act, 1959, at Police Station Sadar, Police Commissionerate, District Amritsar.

On 10th December, 2019, the first bail petition filed by the petitioner was dismissed whereas the second petition was withdrawn on 20th February 2020. The 3rd bail application of the petitioner was dismissed on 21st July, 2020.

Learned counsel representing the petitioner draws the attention of the Court to the order dated 24.11.2022, passed in CRM-M-47123-2022 titled as '**Sarwan Singh alias Sunny Chol Vs. State of Punjab**', relating to a co-accused with the petitioner, which reads as under:-

“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.

5. 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.”

Learned counsel representing the petitioner submits that 4 prosecution witnesses have not supported the case of the prosecution. The petitioner has already suffered incarceration for a period of 3 years and 6

months.

Hence, without commenting on the merits of the case and for the reasons stated in the order dated 24th November, 2022, 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.

All the pending miscellaneous applications, if any, are also disposed of.

29.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE