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

CRM-M-55568-2022

Date of decision : 06.12.2022

Amit Kumar Gori @ Amit @ Dori

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.185 dated 01.08.2021 registered under Sections 307, 326, 324, 341, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.08.2021 and there are 17 prosecution witnesses, out of which, three witnesses have been examined and thus, the conclusion of trial is likely to take time and that the petitioner is not involved in any other case. It is further submitted that the petitioner had earlier filed regular bail application which was dismissed as withdrawn on

16.03.2022 at that stage and after passing of the said order, three star witnesses i.e. PW1-Ranjit Singh (complainant), PW2-Balwinder Singh (injured) and PW3-Balbir Singh (injured) have been examined and all the said three witnesses have specifically stated that the accused persons who were present in the Court on that day, which includes the present petitioner who was appearing through V.C., were not the persons who had inflicted injuries on the person of Balwinder Singh and Balbir Singh. It is contended that the said subsequent circumstance is a substantial circumstance entitling the present petitioner to file present second regular bail petition.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that as per the version in the FIR, it is the petitioner who had given gunshot injuries to the injured Balbir Singh and the recovery of pistol has been effected from him.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the abovesaid facts and circumstances, more so, the facts that the petitioner is in custody since 02.08.2021 and out of 17 prosecution witnesses, only three witnesses have been examined and thus, the conclusion of trial is likely to take time and also, the fact that the petitioner is not involved in any other case and the fact that after withdrawal of the earlier regular bail application on 16.03.2022, three star witnesses of the prosecution i.e. PW1-Ranjit Singh (complainant), PW2-Balwinder Singh (injured) and PW3-Balbir Singh (injured) have been examined and all the said three witnesses have specifically stated that the accused persons who

were present in the Court on that day, which included the present petitioner who was appearing through V.C., were not the persons who had inflicted injuries on the person of Balwinder Singh and Balbir Singh, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

06.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**