

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

CRM-M-2001-2021

Decided on:-22.05.2023

Amritpal Singh @ Sajan

....Petitioner..

vs.

State of Punjab

....Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail in case FIR No.118 dated 25.08.2019, under Sections 307, 353, 186, 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Ranjit Avenue, District Amritsar.

2. As per the allegations levelled in the FIR, petitioner along with his co-accused, namely, Baljit Singh @ Katta fired two shots at the police party, though fortunately, no one got injured in the said incident, followed by recovery of 1 USA made pistol 7.65 mm with 4 live cartridges, besides, a Bolero car.

3. Learned counsel for the petitioner submits that the petitioner is behind the bars since 25.08.2019 i.e. more than 3 years and 6 months and the trial has not even commenced so far, thus, prays for grant of concession of regular bail.

4. On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while referring to the antecedents of the petitioner as he is apparently involved in 10 more cases relating to different offences, including NDPS Act as well as under IPC.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, admittedly, petitioner is in custody since 25.08.2019 and has thus suffered incarceration for a period of more than 3 years and 6 months, however, despite the completion of investigation, the trial has not commenced, even charges have not been framed so far. Moreover, co-accused of the petitioner has already been granted the concession of regular bail by the court of learned Additional Sessions Judge, Amritsar vide order dated 01.11.2019. Even as per the allegations levelled against the petitioner, though, he fired shots at the police party, however, luckily no one got injured. Although, the petitioner has been involved in number of other cases, however, considering his incarceration, besides his role in the present FIR as well as the inordinate delay in commencement of trial, I do not find any reason to extend his incarceration, any further.

7. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

22.05.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No