

2023:PHHC:069710

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

CRM-M-1733-2023 (O&M)

Date of Decision: 15.05.2023

AMIT RAJ SINGH DEOL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Paras Talwar, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 262 dated 18.11.2022 under Section 307 IPC and Section 25 of the Arms Act registered at Police Station Moti Nagar, District Police Commissionerate Ludhiana.

2. Custody certificate has been placed on record.

3. Learned Senior Counsel for the petitioner contends that the FIR has been registered under Section 25 of the Arms Act in pursuance of the receipt of secret information against the petitioner. In fact, the police party fired upon the petitioner and he has sustained firearm injury on his right foot. The offence under Section 307 IPC has been added later on as a result of afterthought as a pre-emptive action by the police officials alleging that the petitioner had fired upon the police party. It is a case of no injury upon the police party. The petitioner is a convict in a case under Section 302 IPC but his sentence has been suspended in terms of the order dated 25.05.2015, Annexure P-4. The investigation of the case is complete, challan has been presented and the case of the prosecution hinges upon the deposition of the official witnesses only.

4. Learned State counsel has opposed the bail application on the score that there are serious allegations of firing upon the police party attributed against the petitioner.
5. It is significant to note that it is a case of no injury. The investigation of the case is complete and challan has been presented. The petitioner had sustained firearm injury on his foot. The case of the prosecution hinges upon the deposition of the official witnesses and it cannot be said that the petitioner can, in any manner, win over or influence the witnesses, if released on bail. The petitioner is in custody for a period of 05 months and 22 days. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.
6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation 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/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

15.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No