

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

**CRM-M-2945-2023 (O&M)
Date of decision: 15.02.2023**

Vishal @ Tida

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No. 02 dated 02.01.2019, registered under Sections 452, 354, 427, 506, 148, 149 of the IPC at Police Station Majitha Road, District Police Commssionerate Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Surinderpal, it is stated that on 02.01.2019, he along with his family was present in his house when co-accused Kushalpreet Singh @ Kami, Pawan, petitioner Vishal @ Tida, Jas and three/four other unknown persons along with Maan and Sharan entered into house of the complainant. Petitioner Vishal @ Tida was armed with a pistol and other co-accused were armed with *datar*.

Kushalpreet @ Kami caught hold the daughter of the complainant with her neck and pointed pistol on her head and asked about her brothers and damaged the articles as well as the motorcycles lying in the house. Pawan and Kami also slapped the daughter of complainant. Thereafter, they entered into the house of complainant's brother and dragged his brother by catching hold of his neck the also misbehaved with the daughter as well as grand-daughter of complainant's brother.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody in a case registered under Section 302 IPC, in which a direction has been issued by this Court for conclusion of trial by 30.04.2023. It is further submitted that the petitioner was arrested in this case on 28.05.2019 and he is continuing as such and his judicial custody is more than 03 years and 08 months.

Learned counsel for the petitioner has referred to the affidavit of the Assistant Commissioner of Police, North, Amritsar to submit that it has come in the affidavit that no empty cartridge was recovered from the place of occurrence nor the allegations of firing gun shot by the accused persons are found, therefore, the offence under the Arms Act was not incorporated.

Learned State counsel, on instructions from ASI Manmohan Singh, has not disputed the factual position and submitted that out of total 13 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. 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/Illaqa Magistrate, concerned.

15.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No