

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-6596-2023 (O&M)
Date of Decision:-10.8.2023

Ajay Singh @ Ajju Masih ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
134	10.10.2019	Mehta, District Amritsar Rural	307, 336, 148, 149 of Indian Penal Code and Sections 25, 27 of Arms Act, 1959

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the abovementioned FIR.
2. The FIR was lodged at the instance of Sahib Singh, wherein it has *inter alia* been alleged that he was attacked by 5 accused, who have been duly named, accompanied by 3 unknown persons. Although the petitioner was not initially named in the FIR but came to be nominated subsequently on the basis of statement of co-accused Navjot Singh. The allegations against the petitioner are that he had fired with a pistol at Sahib Singh.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of statement of co-accused Navjot Singh, which would hardly carry any evidentiary value. It has further been

submitted that, in any case, the complainant Sahib Singh as well as eye-witness Amritpal have already been examined during the proceedings of trial but none of them have supported the case of prosecution and have been declared hostile. It has been submitted that the petitioner has been behind bars since the last more than 3½ years and since the trial is proceeding at snail’s pace, he deserves the concession of bail.

- 4. Opposing the petition, learned State counsel has submitted that since the petitioner stands involved in 18 cases, it is apparent that he is a seasoned criminal. Learned State counsel has, however, not disputed the fact that the petitioner has been behind bars since the last more than 3½ years and that as on date only 4 PWs out of the cited 19 PWs have been examined.
- 5. This Court has considered the rival submission addressed before this Court.
- 6. It will be debatable as to whether the evidence against the petitioner, which is mainly in the shape of statement of co-accused, would be sufficient enough to establish the allegations against the petitioner particularly when the complainant and another injured have already resiled. The petitioner has been behind bars since the last more than 3½ years. Conclusion of trial is likely to consume time inasmuch only 4 PWs out of the cited 19 PWs have been examined till date. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.8.2023

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No