IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8418-2023 (O&M)
Date of Decision: 24.05.2023

AJAYPAL SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramnish Puri, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 124 dated 18.06.2021 under Sections 323, 324, 452, 365, 342, 336, 148, 149 IPC (Section 326 IPC added later on) and Sections 25/27 of Arms Act registered at Police Station Kathunangal, District Amritsar.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that as per the allegations, the petitioner along with co-accused Mehtab Singh, Gurdial Singh and Ranvir Singh had inflicted injuries on the person of Amritpal Singh, the son of the complainant and also kidnapped Prabhjit Singh, another son of the complainant. Mehtab Singh had exhorted the co-accused and fired gun shots in the air. The injury by means of *kirpan* on the head of Amritpal Singh has been attributed to the petitioner. Mehtab Singh and Gurdial Singh, co-accused have been granted pre-arrest bail by the Co-ordinate Bench of this Court and Ranvir Singh has been found to be innocent during the course of investigation. The injured has recovered from the alleged injury and his health condition is good. Prabhjit Singh, the other

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son of the complainant was recovered on the date of occurrence itself. The petitioner is in custody for a period of 6 months and 3 days and not involved in any other case. The recovery of weapon of offence has also been effected.

4. Learned State counsel has opposed the bail application primarily on the score that the injury under Section 326 IPC has been attributed to the petitioner.

5. Be that as it may, the injured is stated to be hale and hearty. The petitioner is in custody for a period of 6 months and 3 days and not involved in any other case. The investigation of the case is complete, the challan has been presented in the Court and the recovery of weapon of offence has already been effected. The offences are triable by the Court of learned Judicial Magistrate First Class. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

24.05.2023 **(VIVEK PURI)**
Janki **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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