

2023:PHHC:077011

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 228

CRM-M-9705-2023

Date of decision : 26.05.2023

Amarpal Singh @ Raja

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mrs.G.K.Mann, Senior Advocate, with
 Mr.Vaibhav Narang, Advocate,
 Mr.Anmol Jeewan Singh Gill, Advocate, and
 Ms.Komal Balain, Advocate, for the applicant/petitioner.
 Mr.Arun Luthra, DAG, Punjab.
 Mr.Gursharan Singh, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

(1) Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.0265 dated 03.11.2022 registered under Sections 307, 427 and 34 IPC and Sections 25, 27, 54 and 59 of the Arms Act, 1959 at Police Station Chheharta, District Police Commissionerate Amritsar.

(2) The petitioner is being prosecuted for having attempted to murder Jobandeep Singh @ Joban.

(3) Learned senior counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 04.11.2022; the investigation in this case is complete and therefore the petitioner is in no position to influence the same; the firing by the petitioner was an act of self-defence as the complainant who had an altercation with the petitioner earlier had come to his house in his car to attack him; there is no forensic evidence to connect the petitioner with the crime he is alleged to have committed; as per the opinion of the doctor there were three injuries on the complainant one of which was simple and none of them were

declared to be dangerous to life and that the petitioners trial as and when it begins will take a long time to conclude.

(4) Learned counsel for the complainant submits that the matter between the petitioner and the complainant has been compromised.

(5) Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has attempted to murder Jobandeep Singh @ Joban and that another criminal case under Section 307 IPC is pending against .

(6) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(7) In the light of the fact that the alleged incident took place right in front of the petitioner's house, it would be debated during the course of the petitioner's trial as to whether the petitioner acted in self-defence. Nonetheless, the petitioner is in custody since 04.11.2022; investigation in the case is complete; learned counsel for the complainant has no objection to the petitioner being granted bail and that the petitioner's trial as and when it begins is likely to take a long time to conclude.

(8) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

(9) It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

26.05.2023

shamsher

[DEEPAK SIBAL]
JUDGE

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