

CRM-M-10104-2023
DECIDED ON: 2nd MARCH, 2023

...PETITIONER

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. R.K. Handa, Advocate
for the petitioner.

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 34, dated 23.03.2022, under Sections 307, 353, 186, 506 and 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 54 and 59 of Arms Act, 1959, registered at Police Station Kathu Nangal, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is asserted that neither any specific role has been attributed to the petitioner nor any recovery has been effected from him. The fire arm injury is alleged to have been attributed to the co-accused of the petitioner namely Laadla and the allegation against the petitioner is that he was accompanying the co-accused.

Notice of motion.

On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab accepts notice on behalf of respondent-State of Punjab. Custody certificate of the petitioner filed by learned State counsel in Court today is taken on record, which depicts that the petitioner has already undergone the sentence for a period of 10 months and 10 days.

Considering the facts that nothing has been recovered from the petitioner; the petitioner was accompanying the co-accused namely Laadla; no injury is coming forth of any of the police officials and the gun allegedly used in the commissioning of offence has already been recovered from the co-accused Laadla, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

The present petition is, therefore, allowed and the petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

2nd MARCH, 2023

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**(SANDEEP MOUDGIL)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>