

CRM-M-12841-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12841-2023
Date of Decision: 31.08.2023

Amarjit Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.305 dated 19.12.2021, under Sections 295-A IPC, registered at Police Station Kotwali Kapurthala, District Kapurthala, registered vide GD No.14, dated 24.12.2021, for offence punishable under Sections 302, 307, 323, 353, 186, 342, 332, 201, 148, 149 & 120-B of the IPC and Sections 25 & 27 of the Arms Act, 1959, Police Station Kotwali, Kapurthala.
2. It has been submitted by learned counsel for the petitioner that petitioner is in custody since 24.12.2021 which is more than 1 year and 8 months. He further submitted that it is a case where the petitioner was serving as Granthi in Gurudwara Sahib and one unknown person had entered into the Gurudwara premises and the lock was also found broken and thereafter, the petitioner had raised alarm and ultimately some people

gathered there. He also submitted that since it was a case of alleged sacrilege in the premises of Gurudwara Sahib and some people had gathered out there and one co-accused, namely, Harpreet Singh had fired upon the unknown person, who had died. He submitted that so far as the role of the present petitioner is concerned, even as per the prosecution, he had only raised alarm since some unknown person had entered in the Gurudwara Sahib premises and there was sacrilege in Gurudwara Sahib. He further submitted that even as per the prosecution itself, the act of firing was done by the co-accused, Harpreet Singh only. He also submitted that one of the other co-accused, namely, Barjinder Singh Parwana has already been extended the benefit of regular bail by this Court in CRM-M-52583-2022 on 02.12.2022 vide Annexure P-4. He further submitted that the petitioner has clean antecedents and he is not involved in any other case. He further pointed out that in the present case, even the charges have not been framed by the learned trial Court till date and the trial of the case may take long time, therefore, considering long custody of the petitioner which is more than 1 year and 8 months, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the charges have not been framed by the learned trial Court. Thereafter, supplementary challan was also submitted by the police which caused delay in further processing by the learned trial Court in considering the framing of charges. So far as the criminal antecedents of the petitioner is concerned, he submitted that the petitioner has clean antecedents and he is not involved in any other case and

he was serving as Granthi in Gurdwara Sahib and so far as the act of firing is concerned, the same was attributable not to the petitioner but upon the other co-accused, namely, Harpreet Singh. He further submitted that it is also correct that the other co-accused, namely, Barjinder Singh Parwana has already been granted regular bail by this Court vide Annexure P-4.

4. I have heard the learned counsels for the parties.

5. It is a case where petitioner is in custody since 24.12.2021. The petitioner is stated to be not involved in any other case and has clean antecedents and he was serving as Granthi in the Gurudwara Sahib. Even as per the prosecution, the firing took place in the Gurudawara premises was not attributed to the petitioner but was attributed to the other co-accused, namely, Harpreet Singh. The charges have not yet been framed by the learned trial Court and the trial of the case may take long time. Apart from the above, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence.

6. Therefore, considering the aforesaid facts and circumstances of the case and also considering the long custody of the petitioner, which is stated to be 1 year and 8 months, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No