

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

222

CRM-M-14763-2023 (O&M)

Date of Decision: 13.07.2023

BHARAT CHAUHAN @ MITHU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.101 dated 17.04.2019, registered at Police Station Sadar, District Police Commissionerate Amritsar, under Sections 307, 379-B(2) and 120-B IPC; Section 394 IPC (added later on) and Section 25 of the Arms Act, the first bail petition having been dismissed as withdrawn on 04.02.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that Rupinder Singh @ Rupa-PW2 and Hardeep Singh-PW1 (eye-witness), while appearing as witnesses before the Court below, have not supported the prosecution version and turned hostile; that the petitioner has been in custody since 09.12.2019; that the petitioner has been indicted on the basis of the disclosure statement of the co-accused and that the co-accused, who has fired gun shot, has already been granted the concession of bail.

Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he had thrown the cash box from the liquor vend; that the alleged recovery i.e. one pistol and live cartridges have already been effected; that as far as other cases registered against the petitioner are concerned, the petitioner is on bail in the said cases and that out of total 32 prosecution witnesses, only 4 have been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with co-accused had attacked the liquor vend, looted cash from there and caused gun shot injury to the injured; that the petitioner is a habitual offender and facing several other cases as well. He further submits that material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

Though the allegation against the petitioner is that he along with co-accused had attacked the liquor vend, looted cash from there and caused gun shot injury to the injured, yet the fact remains that the petitioner has been in custody since 09.12.2019 i.e. for more than three years and 6 months. PW-1 and PW-2 (eye-witness) have not supported the prosecution version and turned hostile. In other cases, the petitioner is on bail. Most of the prosecution witnesses are yet to be examined. In

such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No