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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-17450-2023

Date of Decision: 12.10.2023

Karan @ Katta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, 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.118 dated 01.11.2021, under Sections 307, 323, 34 IPC (Section 201 IPC added later on) and Sections 25/54/59 of the Arms Act registered at Police Station D Division, District Police Commissionerate Amritsar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 03.10.2022, which is more than 1 year and the investigation of the case has already been completed and thereafter, the charges have also been framed by the learned trial Court but none of the prosecution witness has been examined till date. He further submitted that it is a case where the allegations against the petitioner by the complainant were that the petitioner had not only caused injuries by way of *Dattar* but had also caused injuries by way of a fire-arm, which hit on his leg. He also submitted

that in fact it is a case where the complainant himself is involved in two cases including one under the Arms Act and rather the father of the petitioner had informed the police by way of a written communication vide Annexure P-2 that the complainant had come to their place and started fighting and abusing at 1 a.m. at night and rather complainant had fired gunshot regarding which thereafter even a video footage was also discovered and was supplied to the police but the police did not even bother to send it to the FSL for its verification and its authenticity. He further submitted that no recovery of any pistol was effected from the petitioner but the police in connivance with the complainant added Section 201 IPC. He also submitted that so far as the present petitioner is concerned, he is having clean antecedents and is not involved in any other case whereas the complainant himself is involved in similar kind of cases and even the police has also connived with him. He further submitted that now even otherwise also the investigation of the case has already been completed and the trial of the case may take long time, therefore, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody since 03.10.2022 and it is also correct that the petitioner is not involved in any other case whereas the complainant is involved in two cases including Arms Act. He has however opposed the grant of regular bail to the petitioner on the ground that the petitioner did not produce and submit the weapon by which he caused injuries to the complainant and therefore, the provision of Section 201 IPC was added later on.

4. I have heard the learned counsels for the parties.
5. It is a case where as per the learned counsel for the petitioner, the petitioner was the aggrieved in the present incident and in furtherance thereof, the father of the petitioner had given a complaint to the police vide Annexure P-2 but as per the learned counsel for the petitioner, the police in connivance with the complainant, had got registered the FIR against the petitioner. Learned counsel for the petitioner has also referred to the CCTV footage which was given to the police, which shows that the complainant is firing continuously in the air and he is also involved in two more cases including one under the Arms Act. The petitioner is stated to be not involved in any other case and has already faced incarceration for more than 1 year and the trial of the case may take long time.
6. Therefore, considering the aforesaid totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. 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.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

12.10.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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