

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-21331-2021 (O&M)
Date of decision: 27.02.2023

RANJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

This is 2nd petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.206 dated 12.12.2014, under Sections 302 IPC and Sections 25/27/54/59 of the Arms Act registered at Police Station Makhu, District Ferozepur.

Learned counsel contends that the petitioner is in custody for the last 03 years, 11 months and 4 days. The allegations against the petitioner are of having fired a shot, however, it was a fire by accident from his licensed revolver while they were at a marriage function, dancing to the tune of DJ. The petitioner was neither known to the deceased nor had any enmity, grudge or any other monetary dispute. The Police in the investigation had also observed that it was a case of accidental firing of a shot and offence under Section 304-A IPC is made out, however, the Court framed charges under Section 302 IPC. Out of 27 prosecution witnesses, 11 have been examined including the complainant. He

submits that in the present case, the petitioner was declared PO, on account of which, FIR under Section 174-A IPC was registered and he was sentenced for 1 years, which he has already completed and there is no other FIR against the petitioner.

Learned State counsel has produced the custody certificate dated 26.02.2023, which is taken on record. As per the same, the custody of the petitioner is 3 years, 11 months and 4 days. He opposes the bail on the ground that due to the gunshot fire by the petitioner, the deceased namely Gulshan Dhiman died, the petitioner remained P.O. from 07.08.2015 to 26.03.2019 and was convicted for offence under Section 174-A. He is however unable to controvert the submissions made by learned counsel for the petitioner regarding the petitioner not involved in any other case and stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 03 years, 11 months and 4 days; charges have been framed; out of 27 prosecution witnesses, 11 have been examined including the complainant; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every

- date fixed, unless is exempted by a specific order of Court.
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
 - 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
 - 6. The petitioner shall not in any manner misuse his liberty.
 - 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 - 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 27, 2023

S.Sharma(syr)	
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No