

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

217

CRM-M-19479-2023

Date of decision: 02.08.2023

Akashdeep Singh @ Akash @ Kashi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R. C. Sharma, Advocate
for the petitioner

Ms. Himani Arora, AAG Punjab

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 103 dated 07.05.2019, registered under Sections 307, 353, 186, 224, 225 and 34 of the Indian Penal Code, 1860 and Section 25 and 27 of Arms Act, 1959 (Sections 379-B, 120-B and 411 IPC and 25 of Arms Act added later on) at Police Station City Kapurthala, District Kapurthala.

2. Learned counsel contends that the petitioner has been in custody for the last about 4 years and 1 month. His name surfaced based on the disclosure statement of the co-accused namely Manpreet Singh, as per which allegedly he along with others had participated in the offence wherein the accused was got released from the police custody while on way to the hospital. The allegations of having fired shots are against Swaran Singh, who is in custody. Co-accused Vinod Kumar @ Rangila has been granted regular bail after being in custody for 4 years

and 1 month by this Court vide order dated 24.07.2023. Co-accused Manpreet Kaur @ Dolly and Vishal Singh had also been granted regular bail by this Court vide orders dated 05.09.2019 and 21.11.2019. The trial in the present case is at a stand still as even charges have not been framed yet and there are 35 PWs in all. The petitioner is involved in two more cases, one of which is under the Prisons Act and the other under IPC, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 01.08.2023 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 4 years 1 month and 09 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence and he is involved in two more cases. However, she is unable to controvert the submissions with regard to the stage of the case, co-accused have been granted bail and the petitioner being on bail in the other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that

the petitioner has been in custody for the last more than 4 years 1 months; co-accused have been granted bail; he is on bail in the other cases; charges have not yet been framed and in all there are 35 PWs; the trial is likely to take considerable time, thus, his further incarceration would not serve any useful purpose, as such, the present petition for grant of regular bail deserves to be allowed.

8. 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.

- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.
9. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
10. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

02.08.2023
Mehak

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No