

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-21690-2022 (O&M)

Date of Decision: 06.02.2023

Kamaldeep Singh @ Prince Jahaj

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. C.S. Bagri and Dr. (Ms.) Gurjit Kaur, Advocates
for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-47895-2022

The instant application stands disposed of, as having been rendered infructuous.

CRM-M-21690-2022

Custody certificate dated 06.02.2023 filed by learned counsel for the State, is taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No.0182 dated 31.08.2020 registered under Sections 307, 387, 452, 506 and 120-B IPC and Section 25 of the Arms Act (added later on) at Police Station Mohkampra, District Police Commissionerate, Amritsar.

The FIR was lodged at the instance of Vikas Sharma,

wherein it is alleged that Prince Jahaz (petitioner herein) had been threatening him to arrange an amount of Rs.10 lakhs. Although the complainant had expressed that he could not arrange for such a huge amount, but on 31.08.2020, Prince Jahaz alongwith Mandeep Kumar came to his house on motor-cycle while carrying pistols in their hands. It is alleged that Prince Jahaz pointed the pistol at complainant's ear and again asked for money. Although the complainant's mother pleaded with him to spare the complainant, but to no avail. Prince Jahaz with an intention to kill the complainant fired a bullet at him, but the complainant jumped on one side and escaped from being hit. The complainant shut the door from inside and his mother raised alarm and on account of which the accused ran away from the spot.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case. The FIR was lodged under some misunderstanding. All material witnesses have been examined by the trial Court and were declared hostile as they have not supported the prosecution story. The only allegation against the petitioner is that he had fired a shot from his pistol. Co-accused, namely; Randhir Singh @ Happy and Mandeep Singh @ Monu, have already been granted the concession of regular bail by a co-ordinate Bench of this Court vide orders dated 11.03.2022 and 27.04.2022 (Annexures P-3 and P-4, respectively). The petitioner is in custody since 10.10.2020. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, he may be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation, custody period of the petitioner and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner- Kamaldeep Singh @ Prince Jahaj, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

February 06, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No