

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27196-2022 (O&M)
Date of decision:25.09.2023

Navjot Singh @ Jotta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Balbir Singh Jaswal, Advocate,
For the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.140 dated 17.11.2019, registered under Sections 307, 506, 120-B, 148 read with Section 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station, Mehta, District Amritsar

2. Allegations against the petitioner are that on 17.11.2019, he along with co-accused Lovepreet Singh, Ajaypal Singh and Ajju Masih and others attacked Surjit Singh (injured), brother of complainant Manjinder Singh, when he was returning after collecting feed for his cattle. Petitioner Navjot Singh, co-accused Lovepreet Singh and Ajaypal Singh caused firearm injuries on the legs of Surjit Singh, whereas, co-accused and others caused injuries with baseball bats and other weapons. FIR was registered. Petitioner was arrested on 10.01.2020.

3. Learned counsel for the petitioner submits that no injury was inflicted by the petitioner. Other accused are alleged to have fired from their pistol. Injuries of the complainant are on the non-vital part of the body.

3.1 No recovery has been effected from the petitioner. No specific role is attributed to the petitioner. He further submits petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/or influencing prosecution witnesses. Petitioner is totally innocent and has been falsely implicated in the case.

3.2 Learned counsel for the petitioner further submits that co-accused of the petitioner, namely, Ajju Masih have also been granted concession of regular bail by learned trial Court vide order dated 29.05.2020(Annexure P-3) against whom 15 other cases were pending.

3.3 Learned counsel would argue that as regards the invocation of offence under Arms Act is concerned, the maximum punishment provided therein is 7 years *qua* the offence and alleged role attributed to the petitioner. Even if he were to be convicted given the duration of custody, he is entitled to seek suspension of sentence.

3.4 Be that as it may, he submits that alleged recovery of pistol which has been attributed to the petitioner was planted on him and he had nothing to do with the same and in any case, same would be proved only in the trial.

4. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He however, submits that 23 other cases are pending against him.

5. In rebuttal, learned counsel for the petitioner submits that out of 23 cases, petitioner is on bail in 10 cases, in 2 cases he has been acquitted, whereas in 04 cases, he is on production warrants and in 07 cases, he is in the process of taking steps to seek bail. His acquittal in cases where trial is over goes to show that police officials have falsely implicated the petitioner in every case for collateral purpose.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. On a Court query, under instructions from ASI Rajinder Pal Singh, learned State counsel submits that challan was filed on 09.04.2020 and charges were framed on 18.05.2022. Investigation *qua* the petitioner is complete. Petitioner is not required for custodial interrogation.

8. Allegations against petitioner are a matter of trial at this stage. Conclusion of the trial is likely to take quite sometime as it is proceeding at a snail pace. Out of 20 prosecution witnesses, only 04 have been examined. Bail allows an accused to maintain

his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for more than 03 years, 08 months being behind bars since 10.01.2020, as per custody certificate. He is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses.

9. Petitioner is stated to be 30-year old family man. He has already lost his livelihood due to prolonged incarceration. He is the only breadwinner of his family. They are living in sheer penury in his absence. Having family responsibilities and fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

10. Co-accused has already been accorded the concession of bail.

11. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

12. Accordingly, in case he not required in any other case, petitioner is ordered to be released on bail in present case, on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

13. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

14. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

15. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

25.09.2023
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No