

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

201

CRM-M-32682-2022 (O&M)

Date of Decision: 12.04.2023

SHUBHAM ALIAS BILLU

... Petitioner

Versus

STATE OF UT CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. AM Punchhi, PP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.127 dated 20.10.2020, registered at Police Station Sector 11 Chandigarh, under Sections 307 and 34 IPC, Sections 25 and 27 of the Arms Act, 1959, and Sections 120-B and 216 IPC (added later on), the first one having been dismissed as withdrawn on 23.07.2021.

Learned counsel for the petitioner submits that the petitioner was initially not named in the FIR; that petitioner was named by the complainant in his supplementary statement, recorded on 28.10.2020 i.e. after eight days; that no injury either in the FIR or in the supplementary statement of the complainant, has been attributed to the petitioner; that similarly placed co-accused, namely, Amandeep @ Aman @ Hilla, has since been granted the concession of regular bail by this Court, vide order dated 19.04.2021; that the petitioner has been in custody since

16.12.2020 and that out of total 31 prosecution witnesses, only 7 have been examined, so far.

Learned counsel for the petitioner further submits that as far as other cases are concerned, the petitioner is on bail in two cases, in two he has been convicted and in one acquitted.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned Public Prosecutor, U.T. Chandigarh, does not dispute the custody period of the petitioner and the fact that no injury has been attributed to him. He, however, submits that the petitioner had actively participated in the occurrence along with five other accused, inasmuch as, in a CCTV footage, he can be seen firing. He further submits that the petitioner is a habitual offender and there are five more cases registered and/or pending against him.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.12.2020. The petitioner was not named in the FIR and has been indicted on the basis of the supplementary statement of the complainant recorded on 28.10.2020 i.e. after eight days. No injury either in the FIR or in the supplementary statement of the complainant, has been attributed to the petitioner. As per the learned counsel for the petitioner, even in the CCTV footage, no visible injury can be seen to be inflicted on the person of the complainant. Similarly situated co-accused has already been enlarged on bail. Out of 31 prosecution witnesses, only 7 have been examined, thus far. In such circumstances, the trial of the case would take a long time to

conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

12.04.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No