

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

228

CRM-M-38299-2023 (O&M)

Date of Decision: 13.09.2023

SUKHWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. GK Mann, Senior Advocate with
Ms. Komal Balain, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.19 dated 27.01.2023, registered under Sections 307, 148, 149, 506, 109, 201, 465, 467, 471, 120-B IPC and Sections 25 and 27 of the Arms Act, at Police Station Cantonment, District Police Commissionerate, Amritsar.

Learned Senior counsel for the petitioner submits that neither any specific injury nor any role has been attributed to the petitioner; that the allegation against the petitioner is that it was on his instigation and that of his mother and father that main accused, namely, Rajpinder Singh, had fired a gun shot on the person of injured, namely, Amoldeep Kaur; that Rajpinder Singh is in custody; that, at one stage, the petitioner was granted the concession of interim bail, which was never misused by him and that the petitioner has been in custody since

30.01.2023. She further submits that co-accused, namely, Amarjit Singh and Kuldeep Kaur (father and mother of the petitioner), have already been granted the concession of regular bail by this Court vide orders dated 07.08.2023 and 13.04.2023 respectively. Still further, it is submitted that the charges are yet to be framed.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is the brother of the main accused, who has attributed a specific gun shot injury on the person of the injured and that due to the said injury, the injured has now become bed ridden. He further submits that the charges are yet to be framed and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 30.01.2023. No specific injury or role has been attributed to the petitioner. Co-accused i.e. father and mother of the petitioner have since been enlarged on bail. Petitioner was granted interim bail, which he did not misuse. The charges are yet to be framed and the prosecution evidence is to commence. 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.

13.09.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No