

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

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CRM-M-43246-2022

Date of decision : 12.01.2023

Sunil Kumar

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.90 dated 15.05.2022 registered under Sections 307, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Samrala, Police District Khanna, District Ludhiana.

The above-said FIR was registered on the statement of complainant-Paramveer Singh s/o Tribat Singh alleging that Paramveer Singh s/o Kewal Singh and Vicky son of Goga along with 07-08 unknown persons, who were armed with pistols and revolvers, attacked on him. Gun shot was fired by accused-Paramveer Singh which hit on his right thigh.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The present

petitioner was not named in the FIR. Later on in his supplementary statement, the complainant named the petitioner levelling general allegations against him that he was also accompanying the co-accused named in the FIR. No specific role or injury has been attributed to the petitioner. The petitioner is in custody since 27.05.2022. Challan has been presented before the trial Court and charges have been framed. No prosecution witness has been examined so far. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has opposed the present petition in terms of reply filed by way of an affidavit dated 02.11.2022 of Sh. Waryam Singh, PPS, Deputy Superintendent of Police, Sub-Division Samrala, Police District Khanna, District Ludhiana which is already on record. Learned State counsel submits that the petitioner had actively participated in the alleged occurrence. Therefore, the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that no specific role has been attributed to the petitioner and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and petitioner-Sunil Kumar is ordered to be released on regular bail subject

to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

12.01.2023

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(ASHOK KUMAR VERMA)
JUDGE

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