

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-44784-2022 (O&M)

Date of decision: 22.02.2023

INDERJIT SINGH @ MP

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0058 dated 02.03.2019, under Section 307 IPC and Section 25 of Arms Act (Sections 302, 506, 34 IPC and Section 27 of Arms Act added later on), registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar.

Learned counsel contends that the petitioner is in custody since 04.03.2019. He submits that initially the FIR was lodged under Section 307 IPC, however, after the death of the injured Rahul, Section 302 was added. The attribution to the petitioner is fire-arm injury, however, it is the petitioner, who took him to the hospital. Though, the charges were framed way back on 06.11.2019, however, out of 23 prosecution witnesses, only 6 have been examined so far. All material witnesses including the complainant have since been examined and the complainant who is wife of the deceased, has turned hostile, the statement of which is Annexure P-4.

Learned State counsel has produced the custody certificate dated 21.02.2023, which is taken on record. As per the same the custody of the petitioner is 3 years, 11 months and 22 days. He opposed the bail on the ground that the petitioner was armed with an illegal weapon and the gunshot injury is attributed to him, which was fatal and he is involved in one more FIR. However, he is unable to controvert the submissions made by learned counsel for the petitioner, with regard to the stage of trial and that material witnesses have been examined.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 years, 11 months and 22 days; charges were framed on 06.11.2019; however, out of 23 prosecution witnesses, only 6 have been examined so far; all material witnesses have since been examined and the complainant, who is wife of the deceased has turned hostile; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of

which, he is an accused, or for commission of which he is suspected of.

- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 22, 2023
M.Kamra

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