

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

Sr. No.208

CRM-M-46337-2022

Date of Decision : January 25, 2023

Sona Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Wadhawan, Advocate and
Mr. Suvir Tandon, Advocate, for the petitioner.
Mr. Gurlal Singh Dhillon, AAG, Punjab.
Mr. Dilpreet Singh Gandhi, Advocate for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 101, dated 18.05.2022, registered at Police Station Lopoke, District Amritsar Rural, under Sections 302, 307, 323, 452, 427, 148, 149 IPC read with Sections 25 & 27 of Arms Act, 1959

Learned counsel for the petitioner submits that the allegation against the petitioner only is that he was a part of the unlawful assembly. He was neither armed nor any injury has been attributed to him. The trial is not likely to be concluded at an early date as examination of PWs has not yet commenced. The petitioner has undergone actual custody in excess of 07 months and thus, he may be granted regular bail.

Custody certificate dated 24.01.2023 checked by Sh.Surinder Singh, Jail Superintendent, Central Jail, District Amritsar has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 07 months and 25 days and there is no other criminal case pending against him.

Learned State counsel concedes that examination of witnesses has not yet commenced and that even charge has not been framed. He also concedes that the petitioner has not been attributed any active role apart from being a member of the unlawful assembly.

Learned counsel for the complainant opposes the petition. He submits that 16 persons formed an unlawful assembly and carefully planned the operation. Two of them got on top of a roof and fired on the complainant side resulting in one death and one person sustaining a very serious bullet injury in his stomach. Being a member of the said unlawful assembly, intention has to be attributed to the petitioner and keeping in view the gravity of the offence, he does not deserve the concession of regular bail.

It is not disputed that the petitioner does not have any criminal antecedents and that the trial is not likely to be concluded at an early date. It is also not in dispute that the petitioner is not attributed any injury. Whether common intention was there or not may be determined during the trial. At this stage, keeping in view the period of custody undergone as well as the fact that there is no other criminal case pending against him and the fact that the trial is not likely to be concluded at an early date, I deem it appropriate to grant him regular bail. Accordingly, the petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 25, 2023

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No