

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

(Sr. No. 214)

CRM-M No. 51499 of 2021

Date of decision : 17.01.2023

Ravel Singh @ Ravela

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.135 dated 22.06.2021 registered under Sections 307, 34, 201, 511, 160 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station City Kotkapura, District Faridkot (later on Section 302 IPC was added by rapat No.2 in cross-case but during investigation Section 302 IPC was deleted and Section 304 IPC was added vide rapat No.35).

The case of the prosecution, as described by the learned State counsel is that while the petitioner was travelling in his car 14 assailants fired upon him and in his self-defence the petitioner, who was armed with a .32 bore pistol fired back at his assailants. Thereafter, the petitioner managed to escape unhurt from the scene. However, in the course of the afore firing one of the assailants namely Golu accidentally shot dead one of

his co-assailant - Deepak Kumar @ Krishan Pal.

Learned counsel for the petitioner submits that the afore narration of the prosecution's case clearly shows that it is the petitioner who is the victim; the role of the police is also questionable as the firing and death of a person took place on 22.06.2021 at 11:00 a.m. but shockingly the police responded only after five and a half hours; the petitioner has been in custody for the last nearly one and a half years; even charges in the petitioner's trial are yet to be framed and that in view of the afore submissions further incarceration of the petitioner is wholly unnecessary.

Learned State counsel opposes the grant of bail to the petitioner on the ground of seriousness of the allegations.

As per the case of the prosecution firing in the case took place on 22.06.2021 at 11:00 a.m. where 14 persons attacked the petitioner; thus, the petitioner was not one of the assailants; even as per the prosecution Deepak Kumar @ Krishan Pal was shot dead by Golu and not by the petitioner; the petitioner has been in custody for the last nearly one and a half years and that since charges in the petitioner's trial are yet to be framed by the trial court, the petitioner's trial, as and when it begins, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridkot, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and

the same would not be construed to be an expression of opinion on the merits of the case.

17.01.2023.
sunil yadav

(DEEPAK SIBAL)
JUDGE

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