

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48255-2022 (O&M)

Date of Decision: 17.3.2023

Subhash Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.57 dated 3.5.2020 registered for the offences punishable under Sections 307, 148, 149, 120-B IPC and Sections 25, 27 of Arms Act at Police Station Mamdot, District Ferozepur.

The allegations in nutshell are that the petitioner and his accomplices armed with different fire arms attacked Akashdeep and the petitioner who was having 12 bore gun caused fire arm injury to Akashdeep son of Bachittar Singh.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case at the instance of the complainant and that the petitioner is now behind bars for the last more than 2 years and 10 months and during trial, Bachittar Singh father of the injured and PW4-Swarn Singh, both of whom witnessed the alleged occurrence,

while appearing in the witness box, have not supported the case of the prosecution. He further submits that even injured Akashdeep and complainant-Gudeep Singh in their cross-examination have clearly stated that some unidentified persons having muffled faces caused injury to Akashdeep. He further submits that copies of their testimonies are Annexures P-5 to P-8. He further submits that the trial is going on but it will take considerable time for the trial to conclude and all other accused persons are already granted concession of bail. So, prayer is made that the petitioner be released on regular bail.

Present petition is opposed by the State counsel who on instructions from SI Gurcharan Singh submits that there are specific allegations against the petitioner that he caused gun shot injury to Akashdeep at the time of the occurrence. He further submits that even while appearing in the witness box, said Akashdeep and complainant-Gurdeep Singh have supported the case of the prosecution in their examination-in-chief. However, State counsel has not disputed the fact that the petitioner is in custody for the last 2 years and 10 months and 4 prosecution witnesses are yet to be examined and that other accused are already granted concession of regular bail.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, in the FIR, there are specific allegations that the petitioner who was armed with 12 bore gun caused gun shot injury to Akashdeep. During investigation of the case, the petitioner was arrested and now he is incarcerated for the last 2 years and 10 months. Material witnesses are already examined as is evident Annexures P-5 to P-9. It

appears that father of the injured and one another person who witnessed the occurrence have not supported the case of the prosecution while appearing in the witness box. It is also apparent that even injured Akashdeep in his cross-examination stated that some unknown persons having muffled faces caused gun shot injury to him. Even complainant-Gurdeep Singh stated so in his cross-examination. As the material witnesses are already examined, there is no apprehension that if released on bail, the petitioner is going to influence them. Admittedly, the petitioner is in custody for the last more than 2 years and 10 months and it will take considerable time for the trial to conclude. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 17, 2023
Paritosh Kumar

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