

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

213

CRM-M-50872-2023(O&M)
Date of decision: 13.10.2023

Rajinder Kumar .
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sultan Singh Gill, Advocate for the petitioner
Mr. HS Sullar, Sr. DAG, Punjab

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.58 dated 02.03.2019, registered under Section 307 IPC and Section 25 of Arms Act, 1959 (Sections 302, 506, 34 IPC and Section 27 of Arms Act added later on), at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar.
2. Learned counsel contends that the petitioner is in custody for 4 years and more than 7 months. The allegations in the FIR are that the petitioner was accompanying co-accused Inderjit Singh @ MP at the time of occurrence, however, no overt act has been attributed to him. The firearm injury was caused by the aforesaid co-accused and has been granted regular bail by this Court vide order dated 22.02.2023, Annexure-P-6. Though charges were framed way back on 06.11.2019, however, only

7 PWs, out of 23, have been examined. All material witnesses including the complainant, who is wife of the deceased have been examined but she has turned hostile, the statement of whom relied upon, is annexed as P-4. The petitioner is not involved in any other case.

3. The custody certificate dated 12.10.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 4 years, 7 months and 10 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated being present at the time of commission of offence. He is however unable to controvert the submissions made regarding the stage of the trial, all material witnesses stand examined, co-accused has been granted bail and the petitioner not being involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 4 years, 7 months and 10 days; not involved in any other case; co-accused has been granted bail; charges were framed on 06.11.2019 but only 7 (material witnesses including the complainant) out of a total of 23 prosecution witnesses have been examined so far; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. 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.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would

not be construed as an opinion on the merits of the case and the trial
would proceed independently of the aforesaid observations.

13.10.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No