

CRM-M-52847-2023

Date of Decision: 01.12.2023

Jarnail Singh alias Jaila

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.94 dated 24.05.2023 registered under Sections 302, 307, 212, 216, 120-B, 148, 149 of IPC and Sections 25/27 of the Arms Act, at Police Station Beas, Amritsar (Rural).

3. The FIR in the present case was registered on the basis the complaint moved by Ajit Singh. As per him, at about 11.30 a.m. on 24.05.2023 he alongwith his son Jarnail Singh were present at the flour Mill of Inder Singh. In the meantime, four unknown persons came out of Dzire car and one person remained seated on the driver seat. Three assailants, who were armed with

pistols, started firing on Jarnail Singh. As a result, Jarnail Singh suffered bullet injuries and succumbed to the injuries at the spot itself. Major Singh also suffered one bullet injury. After committing the crime, all the accused ran away from the spot.

4. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, without any admissible evidence against him. Even a false case has been set up against him that the petitioner had granted shelter to Gagandeep Singh alias Dadi, Jobanjit Singh alias Billa, Varinder Singh alias Joban, Gurmet Singh alias Bana and unknown person at his uncle's house. As per the final report under Section 173 Cr.P.C., no other role has been assigned to the present petitioner. He further contends that as per the admitted case of the prosecution, the petitioner was not present at the place of occurrence and had not assisted the accused in any manner, while they were committing the crime. He further contends that the petitioner was arrested in the present case on 10.06.2023 and challan has already been presented against him.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was actively involved in the crime. He further contends that three more cases have also been registered against the present petitioner.

6. I have heard the learned counsel for the parties and perused the record.

7. As per the case of the prosecution, the petitioner had granted shelter to some of the accused at his uncles' house and no other role has been assigned to him. Moreover, he is in custody since 10.06.2023 and after completion of investigation, final report under Section 173 Cr.P.C. has already

been presented against him. The conclusion of the trial may take quite a long time and the petitioner deserves the concession of bail by this Court.

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

01.12.2023
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(N.S.SHEKHAWAT)
JUDGE

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