

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-58952-2022 (O&M)

Date of decision : 27.03.2023

RANJIT SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. Harkanwarjit Singh, AAG, Punjab

Mr. Vaibhav Narang, Advocate for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.194 dated 11.06.2022, registered at Police Station B Division, District Amritsar, under Sections 302, 307, 120-B, 148 & 149 IPC and Section 25 & 27 of the Arms Act, 1959.

According to the FIR, certain persons attacked the tenant of the deceased person and when he tried to intervene, they turned upon him. One Nona Nihang struck the deceased on his head with a datar and Charandeep Singh @ Baba fired at him with a pistol resulting in his death.

Learned counsel for the petitioner has submitted that the petitioner is not 'Nona Nihang' mentioned in the FIR. The address of said 'Nona Nihang' mentioned in the arrest memo is different from the address of the petitioner mentioned in his passport, aadhar card and academic certificates. The reply filed by the State supports the submission because in the photographs annexed, the petitioner is not shown dressed as a Nihang

CRM-M-58952-2022 (O&M)

nor is he armed with datar. The petitioner has undergone actual custody in excess of 09 months and there is no other criminal case pending against him. The trial is not likely to be concluded at an early date as even charges have not yet been framed. Thus, the petitioner may be granted regular bail.

Custody certificate dated 26.03.2023 checked by Sh. H.S. Klair, Addl. S.P., Central Jail, Goindwal, Punjab, has been submitted in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 09 months and 11 days and there is no other criminal case pending against him.

Learned State counsel concedes that charges have not yet been framed. However, he states that the petitioner is 'Nona Nihang' mentioned in the FIR. He has given a datar blow on the head of the deceased and thus, he does not deserve the concession of regular bail.

Learned counsel for the complainant submits that admittedly, the petitioner was present at the spot. Whether, he is 'Nona Nihang' or not is a matter of trial. According to the State, he is infact 'Nona Nihang' and the said person inflicted a serious head injury upon the deceased. Thus, he does not deserve grant of regular bail.

From the above submissions made by learned counsel for the parties, it is evident that the submission made by learned counsel for the petitioner regarding the address of the petitioner has not been disputed. In the photographs annexed by the State, the petitioner is unarmed. There is no other criminal case pending against the petitioner and he has undergone actual custody of 09 months and 11 days. Apparently, there is a dispute regarding the identity of the petitioner. Taking all these circumstances

cumulatively, I deem it appropriate to grant regular bail to the petitioner.

The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing stated hereinabove shall be construed to be an opinion on the merit of the case.

27.03.2023

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

(SUDHIR MITTAL)

JUDGE

Yes

No