

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 216

CRM-M-57405-2023 (O&M)
Date of Decision-20.11.2023

FARYAD SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. IPS Sabherwal, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 439 of Cr.P.C for releasing the petitioner on bail in a case FIR No.39 dated 13.03.2023 registered under Sections 307, 506 & 34 of IPC and Sections 25 & 27 of Arms Act at Police Station Majitha, District Amritsar Rural.
2. The present FIR in the present case was registered on the statement of complainant Kuldeep Singh on the allegations that on 13.03.2023 at about 10:30 AM, he along with his brother Sunny Singh was present near fruit cart and in the meantime, their brother-in-law Balwinder Singh came there on bullet motorcycle along with one person and started abusing them and also threatened to kill them. Thereafter, Balwinder Singh took a pistol and fired two shots on the complainant and his brother, one of the fire hit his testicles and another fire hit on the left thigh of his brother.
3. Learned counsel for the petitioner inter alia contends that the perusal of the FIR clearly indicates that there was some matrimonial dispute between co-accused Balwinder Singh and his wife who is the cousin sister of the complainant and the petitioner has been involved in the present case only with the aid of Section 34, no injuries have been attributed to the petitioner, rather specific role has been attributed to co-accused Balwinder Singh and the petitioner is not even named in the FIR.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground that he is involved in 3 more criminal cases details of which have been provided in the custody certificate and as such he is a habitual offender and does not deserve the concession of regular bail.

5. Having heard learned counsel for the petitioner and after perusing the record, it transpires that the petitioner is in custody since 16.05.2023. The investigation is complete and the final report under Section 173 of Cr.P.C has already been filed before the learned trial Court on 12.07.2023, the prosecution has cited 20 witnesses and out of those non has been examined so far. The trial of case is likely to take long time.

6. Keeping in view the custody undergone by the petitioner and in view of the law laid down by the Hon'ble Supreme Court in **Prabhakar Tewari Vs. State of U.P. & Anr. Reported as 2020 (1) R.C.R. (Criminal) 831**, the involvement of the petitioner in other criminal cases would not be the sole ground for denying him the concession of regular bail. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused-petitioner. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the petitioner-Faryad Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

20.11.2023
yogesh

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