

HARPREET SINGH ALIAS KAKA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L.M. Gulati, Advocate for the petitioner.
Mr. Rajinder Singh Bhatta, DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in DDR No.49 dated 19.05.2022 registered under Sections 379-B(2), 336, 473 & 411 of IPC and Section 25 of Arms Act in FIR No. 47 dated 26.04.2022 registered under Sections 302 & 34 of IPC and Sections 25/27/54/59 of Arms Act at Police Station Kamboj, Amritsar, Punjab.
2. Learned counsel for the petitioner submits that the petitioner was initially declared innocent in the FIR, however, on account of DDR No.49 dated 19.05.2022 recorded on the statement of Rajbir Singh, he was arrayed as an accused but not relating to the murder of Vijay Singh and was not even charged against that by the trial Court.
3. On the other hand, learned State counsel filed status report by way of an affidavit of Sukhjinderpal, P.P.S., Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural), the same is taken on record. Learned State counsel vehemently opposes the prayer made herein while submitting that the petitioner was specifically named in the

FIR by the mother of deceased and recovery of 32 bore revolver was also effected from him.

4. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

5. A perusal of record shows that no charge under Section 302 of IPC has been framed against the petitioner who has merely been chargesheeted under Section 379-B(2), 336, 473, 411 of IPC. The charge under Section 302 of IPC qua the alleged murder of Vijay Singh has specifically been framed against the accused Rajbir Singh. Moreover, the petitioner is already behind the bars for a period of 1 year and 8 months by now. The investigation already stands concluded with the filing of challan, followed by framing of charge, however, none of the prosecution witness has been examined out of total of 27 witnesses and trial is likely to take some time. Considering the aforesaid facts and circumstances as well as the fact that there is no apprehension of petitioner being influencing the prosecution witnesses, this Court does not find justification to extend his incarceration any further.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

12.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

