

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-3412-2024 (O&M)

Date of Decision: 29.01.2024

KARAN SINGH @ BILLA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishab Goyal, Advocate for
Mr. Angel Walia, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 276 dated 31.08.2022 registered under Sections 379-B(2), 307, 34 of Indian Penal Code read with Sections 25-54-59 of Arms Act at Police Station B-Division, District Amritsar.
2. Present FIR was lodged on the allegations that on 30.08.2022, at about 9.30 PM, complainant along with one Kailash Dass were standing outside their rented house. In the meantime, two persons, who had covered their heads and faces, came there on a red motor cycle and snatched complainant's mobile. The assailants snatched Rs. 2,000/- from the pocket of the T-shirt of the complainant as well. When the complainant and his friend tried to apprehend them, then one of the assailants took out a pistol from his pocket and fired upon him and the complainant suffered a fire arm injury on his left leg. After his friend raised alarm, the assailants ran way from the spot.

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3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and has been nominated on the basis of supplementary statement recorded after a delay of 06 months from the date of occurrence. Even in the supplementary statement suffered by the complainant, no role has been attributed to the petitioner and the fire arm injury is specifically attributed to the co-accused Robin and there is nothing on record to indicate the complicity of the petitioner in the alleged crime.

4. Per contra, learned State counsel on instructions from ASI Harvinder Singh, opposes the prayer of grant of regular bail to the petitioner on the ground that he is a habitual offender and has been involved in two more cases of similar nature. The main accused is yet to be arrested and keeping in view the gravity of the offences, the petitioner is not entitled to be released on regular bail.

5. Having heard the learned counsel for the parties and after perusing the record, it transpires that the petitioner is in custody since 05.03.2023. The Investigating Agency has concluded the investigation and submitted the final report under Section 173 of Cr.P.C. on 01.05.2023. Out of 24 witnesses, cited by the prosecution, none has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of trial.

6. In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and Anr.* 2020(1) RCR (Criminal) 831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P.*

and Others 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

7. Without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the present petition is allowed and petitioner- Karan Singh @ Billa is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. 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.

29.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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