

CRM-M-5785-2024

Date of Decision: 06.03.2024

RAKESH SINGH ALIAS LAMBAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the second petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.46 dated 11.06.2022 registered for the offences punishable under Sections 307, 323, 341, 506 of IPC and Sections 25 and 27 of Arms Act at Police Station Garhdiwala, District Hoshiarpur.

2. The allegations in nutshell are that at the time of occurrence on 10.06.2022, petitioner and Sahil intercepted complainant-Kushal Kumar and injured-Abhishek and petitioner fired shot which hit on the left foot of Abhishek and thereafter petitioner and his accomplice fled away from there. During investigation, the petitioner was arrested on 29.07.2022.

3. Counsel for the petitioner *inter alia* submits that the petitioner was falsely named as accused in the present case and is in custody for the last more than 1 year and 7 months and that all the material witnesses are examined but it will take considerable time for the

enlarged on bail by this Court vide order dated 20.02.2024. So, prayer is made that the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel, who submits that the petitioner is the main accused who caused firearm injury to Abhishek and during investigation, the petitioner was arrested on 29.07.2022 and one countrymade pistol, one magazine and a live cartridge were recovered from possession of the petitioner at the time of his arrest. Learned State counsel on instructions from ASI Satpal Singh submits that till date only 3 witnesses are examined out of total 18 witnesses on behalf of prosecution. However, the State counsel has not refuted the fact that complainant-Kushal Kumar and injured-Abhishek are already examined during trial.

5. I have considered the submissions made by the counsel for the parties.

6. During investigation, the recoveries were effected in the present case and the petitioner is in custody for the last more than 1 year and 7 months and complainant and injured witness stand examined during trial. So, there is no apprehension that if released on bail, the petitioner is going to influence them in any manner. Further co-accused Sahil is already given benefit of regular bail by this Court. It will take considerable time for the trial to conclude as till date only 3 witnesses are examined out of total 18 witnesses on behalf of prosecution.

7. In the given circumstance, no useful purpose is going to be served by prolonging the judicial custody of the petitioner for any further period.

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

06.03.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No