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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-9636-2024(O&M)

Date of Decision: 29.02.2024

Harpreet Singh @ Happy

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 215 dated 16.08.2023 registered for the offences punishable under Sections 307, 336, 160, 148, 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Jandiala, District Amritsar.

2. Counsel for the petitioner inter alia submits that the petitioner who was not named in the FIR was later on nominated as accused and falsely implicated in the present case and is in custody since 14.09.2023 and no incriminating article was recovered from his possession and on completion of investigation, the police presented challan but it will take considerable time for the trial to conclude. So prayer is made that the petitioner who is having no criminal history be granted regular bail in the present case.

3. The present petition is resisted by the State counsel, who on instructions from ASI Ranjit Singh submits that at the time of occurrence,

firing took place but no one sustained injuries. The State counsel has not refuted the fact that the petitioner is in custody for the last more than 5 months and no weapon was recovered from his possession and that it will take time for the trial to terminate as till date charges are not framed against the accused persons including the petitioner.

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

5. Admittedly, this is a case of no injury and the petitioner was not named in the FIR and was later on arrayed as accused and was arrested on 14.09.2023 and during investigation no weapon or incriminating article was recovered at his instance. After completion of investigation, police presented challan but trial is yet to commence. It will take considerable time for the trial to conclude, even after the framing of charges.

6. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light of the above, without expressing any opinion 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.

(KARAMJIT SINGH)
JUDGE

29.02.2024
Priyanka Thakur

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