

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-11363-2024 (O&M)

Date of Decision: 11.03.2024

Deepak Rathi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rajiv Kumar Saini and Mr. Parvartan Singh, Advocates,  
for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab,  
assisted by ASI Dilbagh Singh.

| FIR No. | Dated      | Police Station           | Section/s                                            |
|---------|------------|--------------------------|------------------------------------------------------|
| 118     | 22.05.2023 | Maqboolpura,<br>Amritsar | 336, 307, 212, 216, 34 IPC<br>and 25 of the Arms Act |

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Ravneet Singh @ Sonu, wherein it is alleged that on 21.05.2023, he along with his friends had gone to Hotel Green Wood near Golden Gate, Amritsar to have dinner and that when they were returning back, a white coloured car stopped near them in which there were 3/4 un-identified persons and out of them two who were carrying pistols alighted from the said car and fired at them with an intention to kill them. The complainant and his

friends, however, fled away from the spot so as to save themselves. The complainant's friends namely Pradeep Singh and Satnam Singh, who were carrying their licensed weapons, also fired 5-6 shots in the air to scare away the assailants.

3. Learned counsel for the petitioner submitted that he is nowhere named in the FIR and has been nominated on the basis of a disclosure statement allegedly made by Kunal. It has been submitted that such like disclosure statement, in the absence of any other connecting evidence would not carry any evidentiary value. It has further been submitted that the petitioner has a clean record and as on date the petitioner has been behind bars since the last more than 7 months. It has also been submitted that since several other co-accused including Ajit Kumar @ Chaura, Suraj @ Happy, Satinderpal Singh and Abhishek Mahajan already stand released on bail by this Court vide orders dated 07.02.2024 and 12.02.2024, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that having regard to the nature of allegations and the fact that co-accused Kunal in his disclosure statement has disclosed his name, his complicity is clearly evident. Learned State counsel has not disputed the fact that the petitioner is not involved in any other case and that the petitioner has been behind bars since the last 7 months & 22 days. Learned State counsel has, however, informed that out of cited 22 PWs, none has been examined till date.
5. This Court has considered the rival submissions.

6. Without commenting anything as regards the veracity of the allegations, but having regard to the fact that the petitioner has been behind bars for a substantial period of more than 7 months and is stated to be having a clean record and that several other co-accused of the petitioner have already been granted bail, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time inasmuch as not even a single witness out of the cited 22 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**11.03.2024**

Vimal

**(GURVINDER SINGH GILL)  
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**