

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-17818 of 2022(O&M)
Date of Decision: 20.02.2024

Ranjit Singh @ Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sarbjit Singh, Advocate
For the petitioner.

Mr. I.S. Ladher, DAG Punjab.

Ms. Meena, Advocate for
Mr. Amit Arora, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 75 dated 23.03.2021, registered under Sections 302 read with Section 34 IPC and Section 25 of Arms Act at Police Station Jandiala, District Amritsar.

2. The allegations in nutshell are that at the time of occurrence complainant Deepak Kumar and his son Shubham were running liquor vend and *ahata* and they were present in the said premises and Shubham was standing outside the liquor vend and in the meantime four young boys on two motor cycle came there, out of them Ghudda fired shot with his weapon and his accomplices namely Rana, Ghughi and one another unidentified person also fired shots at his son, as a result of which Shubham sustained injuries and then the accused persons fled away from there. Shubham died

on account of the said fire arm injuries caused to him by the accused persons, including the petitioner.

3. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and is in custody for the last more than 02 years and 07 months and that during trial complainant Deepak Kumar has not stated in his testimony that the present petitioner fired any shot aiming towards Shubham at the time of occurrence. He produced copy of said deposition which is taken on record. The counsel for the petitioner further submits that in the given circumstances, as it will take time for the trial to conclude, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who on instructions from ASI Sardool Singh submits that the petitioner is also specifically named in the FIR along with other accused persons and he also fired shots at Shubham. However, the State counsel has not disputed the fact that during trial complainant Deepak Kumar father of the deceased has not supported the case of prosecution against the present petitioner.

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

6. As per the custody certificate, the petitioner is in custody for the last more than 02 years and 07 months. Admittedly, the trial is at its initial stage and till date only 01 witness out of total 28 witnesses is examined on behalf of the prosecution. The said examined witness is PW1 Deepak Kumar complainant, who, as per FIR witnessed the occurrence in question. From the perusal of the testimony of PW1 it appears that he had

not named the petitioner in his testimony and further clarified that he never suffered any statement qua petitioner Ranjit Singh before the police. Admittedly, it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light 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 bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.02.2024

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No