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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18177-2024
Date of decision: 22.04.2024

PAWANDEEP SINGH ALIAS PREET

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Gurpreet Kaur, Advocate for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.86 dated 26.07.2022, under Sections 307, 120-B, 148, 149 of the IPC and Section 25 of the Arms Act, registered at Police Station Doraha, District Khanna, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 27.10.2022, which is almost 1½ years and charges in the present case were framed by the learned trial Court on 05.07.2023 and more than 9 months have elapsed after the framing of charges and till date not even a single prosecution witness has been examined by the prosecution. She further submitted that it is a case where even as per the allegation, there was no enmity or any motive of the petitioner and as per the FIR, the other co-accused, namely,

Gursewak Singh @ Sewaki and Jatinder Singh @ Billa had taken the

complainant to the rented accommodation of the petitioner and thereafter, some dispute arose between Jatinder Singh @ Billa and the petitioner and when the complainant interfered in the matter to stop them, then the petitioner took out his pistol and threatened to shoot the complainant and in order to save himself, the complainant pushed down the hand of the petitioner and the bullet hit on the left ankle of the complainant. She further submitted that the other co-accused, namely, Gursewak Singh @ Sewaki has been granted the concession of anticipatory bail by a Coordinate Bench of this Court on 10.04.2023 vide Annexure P-2 and similarly, other co-accused, namely, Jatinder Singh @ Billa has also been granted the concession of regular bail by a Coordinate Bench of this Court on 18.05.2023 vide Annexure P-3. She also submitted that apart from the aforesaid two co-accused, two more co-accused, namely, Manpreet Singh @ Mannu and Inderpreet Singh have also been granted the concession of regular bail by this Court on 17.08.2023 and 16.08.2023 vide Annexure P-4 and Annexure P-5, respectively. She further submitted that the complainant is rather not coming forth for deposition and despite the framing of charges on 05.07.2023, no prosecution witness has been examined till date and in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab on instructions from ASI Sikander Raj submitted that it is correct that the petitioner is in custody from 27.10.2022, which is almost 1½ years and all the aforesaid co-accused have already been granted the concession of anticipatory bail and regular bail. He has however submitted that as per the allegations, the petitioner had fired a shot on the left ankle of the complainant and he is involved in 8

more cases, out of which he is acquitted in 3 cases, convicted in one case under Section 411 of the IPC and 4 cases are still pending against him.

4. I have heard the learned counsel for the parties.
5. The custody of the petitioner is about 1½ years. The charges were framed by the learned trial Court on 05.07.2023 and as per the learned counsel for the parties, no prosecution witness has been examined till date. It appears that all the aforesaid co-accused have already been granted the concession of anticipatory bail and regular bail either by this Court or by a Coordinate Bench of this Court as aforesaid. The mere fact that the petitioner is involved in other cases would not become a ground for denial of regular bail to the petitioner considering the facts and circumstances of the present case. Even otherwise also, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.
6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

22.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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