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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-20906-2024 in/and
CRM-M-19191 of 2024
Date of Decision: 10.07.2024**

Bhupinder Singh @ Bhinda

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present : Mr. Amarjeet Singh Prajapati, Advocate
for the petitioner.****Mr.M.S.Bajwa, Deputy Advocate General, Punjab.**

N.S.Shekhawat J. (Oral)**CRM-20906-2024**

1. The instant application has been filed under Section 482 Cr.P.C. with a prayer for placing on record all bail/acquittal orders Annexures P-5 to P-14.

2. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexures P-5 to P-14 are taken on record.

CRM-M-19191 of 2024

1. The petitioner has filed the second bail petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.244, dated 30.09.2019 registered under Sections 307, 332, 34, 25 of IPC and Sections 25, 27 of Arms Act, at Police Station Jandiala, Amritsar Rural, District Amritsar.

2. Learned counsel for the petitioner submits that the FIR has been wrongly registered against the present petitioner and the allegations levelled in



the present FIR are apparently concocted. He further contends that the alleged occurrence had taken place near a Dhaba, however, the persons working at Dhaba have not been joined as witnesses and the prosecution story is bereft of independent corroboration. He further contends that as per the case of the prosecution, one pistol with 7 live cartridges were recovered from the present petitioner. However, no specific role has been attributed to the present petitioner. Learned counsel further contends that in the present case, it has been alleged that the accused had fired at the police party, however surprisingly, no one was hurt in the alleged incident in the present case. Still further, it has been alleged that the fires were shot by Sukhraj Singh @ Sukha, co-accused from his pistol and the petitioner was simply accompanying him. Further, the incident had taken place on 30.09.2019, whereas, the petitioner was arrested on 30.01.2020. Thus, the petitioner had not participated in the commission of crime in any manner. Moreover, the petitioner is in custody since 30.01.2020 and only 9 prosecution witnesses, out of total 23 witnesses, have been examined so far. Thus, the custody of the petitioner will not serve any meaningful purpose. Learned counsel for the petitioner further contends that even though, several other cases were ordered to be registered against the petitioner, but the petitioner is on bail or has been acquitted in majority of the cases. Learned counsel for the petitioner has further relied upon the judgments passed by the Hon'ble Supreme Court in the matter of **“Ranjan Dwivedi Vs. CBI, through the Director General, 2012(8) SCC 495; 2012 (4) RCR (Criminal) 880”** and **“Gudikanti Narasimhulu and others v. Public Prosecutor”, AIR 1978 SC 429.**



3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that similar other FIRs were ordered to be registered against the petitioner. However, learned State counsel admits that in the present case, no police official had suffered any injury and it is a case of no injury. He further contends that the petitioner is a habitual criminal and the petition filed by him deserves to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was arrested on 30.01.2020 and is in custody for the last more than 4 years and 06 months. Even only 9 witnesses, out of total 23 witnesses, have been examined so far by the trial Court. Thus, there are no chances of early conclusion of the trial. Moreover, the petitioner has already suffered custody for more than 04 years and 06 months and no purpose will be served by keeping the petitioner behind bars.

6. Thus, 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

10.07.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No