

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-30557-2024

Date of Decision:-06.08.2024

Sagar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Veneet Sharma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

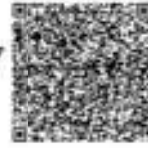
Mr. L.M. Gulati, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.147 dated 20.07.2023 under Sections 307, 506, 148, 149 IPC and Sections 25, 27 of Arms Act registered at Police Station Gate Hakima, District Amritsar.

2. The present FIR came to be registered at the instance of Harmanjot Singh which reads as under:-

“ Statement of Harmanjot Singh son of Narinder Pal Singh, resident of House No.4833, Gali No.3, near Petrol Pump, Gali Damganj, Amritsar, aged 30 years, Mobile No. 9878700547. Stated that I am resident of above mentioned address and I worked with Anil Arora Enterprises, which is established in 2023 in Amritsar and who works as liquor dealer and I keep taking legal action against the seller of illicit liquor within the limits of Police Station Gate Hakima. Today in the intervening night 19/20.7.2023 I of was sleeping with my family and my father Narender Pal Singh when at around 11.30, the door of our house knocked, so I came alongwith my father to see who had



come at this time. When my father Narinder Pal Singh opened the door, Sagar son of Kewal Singh, resident of Ballewala Khoo, Islamabad, armed with pistol, Danish resident of opposite Street Gurudwara Putli Ghar, Amritsar, Khanjar, resident Kamal of Noore Shah Colony, near Railway Fatak, Amritsar were standing armed pistol. Then from street at with the back side, Rocky Mota resident of Signal Down wali street, near Bhagat Kareem Mandir, Mohalla Ghumiara, Amritsar armed with datar, Lucky resident of Street Opposite Gurudwara Pipli Sahib, Putli Ghar Amritsar, armed with kirpan, alongwith 21-3 unknown persons were standing, who were also armed with deadly weapons seen standing. Then Rocky mota gave a lalkara that let us catch Harman and teach him a lesson of getting our illicit liquor seized. Then Sagar with an intention to kill starting firing on me and my father with an intention to kill. One bullet landed in the stomach of my father and blood started oozing out and he fell on the ground. I ran into the room and saved myself. All the accused alongwith the deadly weapons, while threatening ran away from the spot, with their respective weapons. After arranging for the vehicle, I shifted my father to Amandeep Hospital, where he is under treatment. The cause of enmity is that they all do the work of illicit liquor and I am working with liquor contractors, due to which they keep an enmity with me. Because I do not let them sell liquor. Due to this reason, with an intention to kill, they fired at me and they have injured my father Narinder Pal Singh. Kindly take legal action. Statement has been given, read over, it is correct."

3. During the course of the investigation, certain other people were nominated as accused. It was also found that it was Kamaljit Singh @ Kamal who had shot at injured and not the present petitioner.
4. The learned Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No injury whatsoever had been attributed to him and during the course of the investigation it had transpired that the shot had been fired by Kamaljit Singh @ Kamal and not the petitioner. The co-accused of the petitioner namely Harmandeep Singh and Lovepreet @ Lucky had been granted the concession of bail. As the petitioner was in custody since 14.12.2023 but



none of the 18 Pws had been examined so far. Therefore, the Trial of the present was not likely to be concluded anytime soon and therefore he was entitled to the concession of bail, moreso as some of the co-accused had been granted bail.

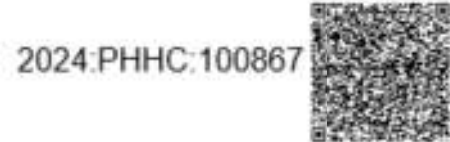
4. The learned State counsel on the other hand has filed short reply by way of affidavit dated 5.8.2024 of Mr. Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar City in the court today, which is taken on record. While referring to the said reply he contends that the allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He however, concedes that as per the investigation the shot had been fired by Kamaljit Singh @ Kamal, the co-accused of the petitioner, that two accused had been granted the concession of bail and that the petitioner was in custody since 14.12.2023, but none of 18 Pws had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 14.12.2023 but none of the 18 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sagar** son of Sh. Kewal Krishan is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform



in writing each time that he is not involved in any other crime other than the present case.

11. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 06, 2024

Vinay

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