



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-34628-2024 (O&M)
Date of Decision: 14.8.2024

Ashu Rajput ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwar Pahul Singh, Advocate for the petitioner.
(through video conferencing)
Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
89	30.8.2017	Maqboolpura, District Amritsar City	307, 506, 34 of Indian Penal Code and Sections 25, 27 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

CRM-31476-2024

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 24.9.2024 and is taken on board today.

CRM-M-34628-2024 (Main Case)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Dharamjit Singh, wherein it is alleged that on 30.8.2017 when he and his friend Manpreet Singh were talking to



each other at the main gate of their house, then Navdeep Singh @ Ballu son of his uncle alongwith one Hindu gentleman came on a motorcycle, which was driven by Navdeep Singh @ Ballu. It is alleged that Navdeep Singh @ Ballu immediately upon reaching there started hurling abuses and also fired a shot from his pistol with an intention to kill him. However, the complainant was able to save his life by entering the house of his neighbour and then by jumping from the roof.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is nowhere named in the FIR and came to be nominated subsequently. Learned counsel for the petitioner submitted that as a matter of fact the petitioner was granted regular bail by the Trial Court on 10.10.2017, but somehow the same was subsequently cancelled on account of his absence and later on he was declared a proclaimed offender. It has been submitted that the petitioner, in any case, has now been in continuous custody and has been behind bars since 20.12.2022 i.e. since the last about 1 year, 9 months and 3 days and as on date not even a single PW out of the cited 18 PWs has been examined.
4. Opposing the petition, learned State counsel submitted that since the petitioner has a chequered history having been convicted in one case for offence under NDPS Act and also been declared a proclaimed offender, it is not safe to release him on bail at this stage. Learned State counsel, however, could not dispute the fact that the petitioner has been behind bars since the last about 1 year, 9 months and 3 days and that as on date not even a single PW out of the cited 18 PWs has been examined.



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- 5. This Court has considered rival submissions addressed before this Court.
- 6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars for a substantial period of about 1 year, 9 months and 3 days and that conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 18 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose.
- 7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.8.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No