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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46868-2024
Date of decision:-18.05.2024

HARKAMAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Harjinder Singh, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
03	05.01.2022	307, 341, 148, 149 (201 and 397 IPC and 25 of Arms Act added later on)	City Nakodar, District Jalandhar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case He submits that petitioner is in custody since 04.04.2022 and no recovery has been effected from him in this case, although there are four other cases pending against the petitioner but he has been granted concession of bail therein, as such he prays for grant of concession of bail.



3. *Per contra*, learned State counsel has opposed the bail petition by referring to the reply submitted by the State and argued that petitioner along with co-accused were arrested in this case as they snatched the documents from complainant by putting him under the fear of death by firing from the pistol and as such prayed for dismissal thereof.

4. After considering the rival contentions and perusing the record, it is transpires that the instant FIR was registered on the complaint moved by Sonu Ram stating that on 04.01.2022 at about 11:30 pm he along with Aditya Kumar and Ritesh Kumar were returning from PGI in his car and on the way he dropped his friend and returned towards his house then a car having 4-5 persons coming from behind had stopped him and the occupants thereof hit the front glass of their car. The complainant tried to run away towards his house but one occupant of the car fired at him which hit his palm. The assailants ran away from the spot taking away the documents from his car. After registration of the case, co-accused Jasandeep Singh @ Sukha Saran and Kamaldeep Singh @ Kamal were arrested in this case and on their interrogation accused Aditya was nominated in the FIR who was also arrested. The petitioner was also named in their disclosure statement.

5. From the perusal of record, it transpires that the allegations of firing from pistol is from qua co-accused Aditya who has since been arrested and recovery of pistol has been effected from him. No specific overt act has been attributed to the petitioner and he is in custody since 04.04.2022. Although he is stated to be involved in four cases but he is on bail therein. Prosecution has cited 14 witnesses and only 4 witnesses out of them have



been examined till date. The conclusion of trial in the present case to ascertain criminal liability, if any of the petitioner will take sufficient long time and no purpose would be served by detaining a petitioner in custody any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |