

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

227

CRM-M-48137-2023 (O&M)
Date of Decision:- 05.03.2024

AMRINDER SINGH @ RAJU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. Ankit Grewal, DAG 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 to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
13	20.01.2022	364, 307, 325, 341, 336, 427, 120-B, 148 and 149 IPC; (25 and 27 of the Arms Act deleted later on vide DDR No.10 dated 10.06.2022)	Talwandi Sabo, District Bathinda, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner was not present at the place of alleged occurrence but was nominated and arrested in the case on the basis of production

warrants, while he was already lodged in custody in some other case since 2017. He submits that challan has already been presented in Court and only 1 witness has been examined till date and as such he prays for grant of regular bail to the petitioner.

3. Learned State counsel has opposed the bail petition of the petitioner by arguing that the allegations levelled against the petitioner are serious in nature and as such he does not deserve the concession of bail. He has however admitted that challan has been presented in Court and out of 19 witnesses cited by the prosecution only 1 has been examined. He has also admitted the factum of petitioner being in custody in some other case on the date of occurrence.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the petitioner has been in custody in the present case since 01.04.2022 and admittedly he was not present at the time of occurrence. The allegation qua him is only of conspirator and the criminal liability, if any, of the petitioner could only be ascertained after the conclusion of trial, which may take sufficient long time as only 1 witness has been examined out of 19 witnesses cited by the prosecution. In these circumstances, it is observed that no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court/Duty Magistrate 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.
8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

05.03.2024

S.Sharma(syr)

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