



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48922-2024
Date of Decision:-21.10.2024

SARABJIT SINGH ALIAS KAKA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The petitioner has prayed for grant of regular bail by way of instant petition in case having FIR No.68 dated 10.06.2023 registered under Section 307, 120-B, 34 IPC; Section 25 of Arms Act and Sections 21, 29 of NDPS Act at Police Station Khilchian, District Amritsar.
2. Learned counsel for the petitioner submits the occurrence allegedly took place on 09.06.2023 when the complainant along with his wife were going on foot at about 8:45 p.m.; two persons i.e. co-accused Babaljit Singh and one Manna came on motorcycle and thereafter co-accused Manna without any provocation fired shots towards the complainant. The fire shots missed the complainant, and after getting deflected instead hit the foot of the complainant's wife. Thereafter when investigation was carried out by the investigating agency, disclosure statement was allegedly made by



co-accused Harmanjit Singh @ Manna that co-accused Jugrag Singh @ Tiddi @ Jagraj Singh had carried out a *Recce* and it was then they had come to the spot to execute the crime in question. Learned counsel submits that on being arrested co-accused Jugrag Singh @ Tiddi @ Jagraj Singh suffered a disclosure statement nominating the petitioner as being the supplier of contraband which had been allegedly recovered from co-accused Jugrag Singh @ Tiddi @ Jagraj Singh. It has been asserted by the learned counsel that firstly the petitioner even as per the case of prosecution had no motive to participate in the occurrence in question, wherein the wife of the complainant sustained a fire arm injury; secondly, on being arrested by the police on 12.07.2023, no recovery of any contraband or arms and ammunition was affected from him. Learned counsel submits that in the circumstance more so when not only challan stands presented but even charges have been framed, further incarceration of the petitioner in the instant FIR would serve no useful purpose since there is no likelihood of the trial concluding in the near future, more so when as many as 32 prosecution witnesses have been cited.

3. Per-contrā, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Sikander Lal has not been able to dispute the custody period as well as the stage of trial. It has also not been disputed by the learned State counsel that no evidence had surfaced during investigation with respect to the petitioner's involvement in the occurrence which took place on 09.06.2023. However, it has been submitted that when co-accused Jugrag Singh @ Tiddi @ Jagraj Singh was arrested, a recovery of 290 grams of Heroin along with some



ammunition was effected from him, who then suffered a disclosure statement nominating the petitioner as being the supplier of the recovered contraband.

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

5. Investigation in the present case is complete and even charges stand framed. There is no possibility of the trial concluding in the near future and none of the 32 prosecution witnesses cited have been examined till date. In the facts and circumstances, as enumerated here-in-above, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

21.10.2024
Gaurav Sorot

(MANJARI NEHRU KAUL)
JUDGE

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