

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Neutral Citation No. **2024:PHHC:022203**
CRM-M-55666-2023
Date of Decision: February 16, 2024

Akashdeep Singh @ Akash

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Custody certificate is taken on record.

It is informed by learned State counsel that out of 26 witnesses cited by the prosecution, not even a single witness has been examined so far.

2. By way of present second petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in a case arising out of FIR No.28 dated 12.03.2020, under Sections 307, 120-B and 34 of IPC, besides Sections 25, 27 and 29 of the Arms Act, 1959, registered at Police Station Beas, District Amritsar.

3. As per allegations, on 06.03.2020 at 7.30 p.m., complainant Sukhbir Singh was going on his motor cycle towards village Sathiala, followed by Baljit Singh S/o Nirmal Singh and Balwinder Singh S/o Amrik Singh of his village. As they were ahead of Baba Bakala, 04 young persons came on two motor cycles. Two of the persons sitting as pillion riders on the motorcycle, started firing shots at the complainant. One of the shots hit his right shoulder, another on the right thigh, whereas one

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shot passed through his shirt. Baljit Singh and Balwinder Singh raised noise and all the assailants fled away.

4. Attribution to the petitioner is that he has been identified to be the assailant, who had fired shots at the complainant.

5. Learned counsel for the petitioner contends that petitioner is in custody for the last 03 years and 08 months and not even a single witness has been examined so far. He further contends that co-accused Harbhej Singh has already been allowed bail by the co-ordinate Bench of this Court vide order dated 11.04.2023 passed in CRM-M-5935-2023.

6. Learned State counsel has opposed the bail petition by pointing out the criminal antecedents of the petitioner, who is involved in as many as 05 other cases. It is also submitted that case of the petitioner is on different footing comparing to co-accused Harbhej Singh @ Bheja because main attribution of firing bullets is to the petitioner. However, it is conceded by learned State counsel that out of 26 witnesses cited by the prosecution, not even a single witness has been examined till date.

7. Heard.

8. The custody certificate placed on record by learned State counsel would reveal that the petitioner is in custody for the last 03 years, 08 months and 19 days. Though, he is involved in many other cases also, as per the custody certificate, but the long incarceration of the petitioner in the present case cannot be ignored by this Court. Article 21 of the Constitution of India guarantees fundamental right to the life and liberty

of which speedy trial is one of the facets. Long incarceration without the trial being proceeding further, infringes this fundamental right.

9. Having regard to the long period of incarceration of the petitioner and considering the long list of prosecution witnesses, the trial is likely to take long time to conclude, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

Apart from the usual terms and conditions of bail, another condition is imposed upon the petitioner that he shall not make any attempt to contact any of the witnesses associated with the present case.

February 16, 2024

sarita

(DEEPAK GUPTA)
JUDGE

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