

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-55336-2023
Date of Decision.:08.04.2024

Hardeep Singh @ DeepaPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parivartan Singh, Advocate for
Mr. R.K. Saini, Advocate
for the petitioner.

Mr. G.P.S. Bhullar, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.271 dated 31.12.2019 registered under Sections 307, 212, 216, 468, 471, 473, 482, 34, 120-B of the IPC and Section 25/27 of Arms Act registered at Police Station Beas, District Amritsar.

2. As per prosecution allegations on 29.12.2019, petitioner armed with pistol along with co-accused Roban Singh @ Bobby and others fired at Mukand Singh and Satpal.
3. Learned counsel for the petitioner contends that petitioner is not named in the FIR and has been falsely implicated; that complainant Mukand

Singh has not supported the prosecution case in this regard during trial and was turned hostile. Learned counsel has also placed on record copy of his statement. Learned counsel for the petitioner also submits that though apart from Mukand Singh, there is one more injured namely Satpal as per the FIR but said Satpal has gone abroad and is not appearing during trial.

4. Learned counsel also submits that though petitioner is involved in various other cases but has already been allowed bail in case FIR No.55 of 2020 registered at Police Station Goindwal Sahib; FIR No.103 of 2020 registered at Police Station Beas, Amritsar; FIR No.23 of 2023 registered at Police Station Verowal, Tarn Taran and has been acquitted in case FIR No.77 of 2023 registered at Police Station Beas, Amritsar. Further contention of learned counsel for the petitioner is petitioner is in custody for the last approximately 04 years; that trial may take time to conclude and so, he be allowed bail.

5. Learned State counsel has opposed the petition by pointing out towards the criminal antecedents of the petitioner, who is involved in various other cases and also the fact that pistol used in the present crime, was got recovered from him in another case. However, it is not disputed that petitioner is in custody for the last approximately 04 years. The complainant of the case namely Mukand Singh has already turned hostile. The other injured namely Satpal is not appearing before the trial Court for his statement having gone abroad, as informed by learned counsel for the petitioner.

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6. Considering the aforesaid facts and circumstances, particularly his long incarceration in custody, the bail of the petitioner cannot be denied only because of his criminal antecedents. As such, without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 08, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No