

In the High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-56697-2023 (O&M)  
Date of Decision:-16.1.2024

Rajesh Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,  
assisted by SI Avtar Singh.

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| FIR No. | Dated      | Police Station               | Section/s                                                                                                                    |
|---------|------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 439     | 13.12.2021 | Islamabad, District Amritsar | 302, 34 of Indian Penal Code and Sections 25/27/54/59 of Arms Act, wherein offence under Section 506 IPC was added later on. |

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Danish Anand, wherein it is alleged that on 12.12.2021, when he along with his father Sanjay Anand was present near their shop, then petitioner - Rajesh Kumar shot at his father on his chest and his father fell on the ground. When the complainant raised alarm his

mother Anju Anand and their neighbour Nishan Singh came at the spot. Rajesh Kumar (petitioner) tried to fire at Nishan Singh, but the shot did not hit him.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the falsity would be evident from the fact that when the complainant Danish Anand as well as the eye-witnesses Anju Anand and Nishan Singh stepped into the witness-box during the proceedings of trial, none of them have supported the case of prosecution.
4. Opposing the petition, learned State counsel submitted that the accused happens to be an Assistant Sub Inspector (ASI) in Punjab Police, it is apparent that he has been able to win over the witnesses. Learned counsel has further submitted that the ballistic report clearly shows that the bullets recovered from the body of the deceased had been fired from the official pistol of the petitioner and that the same is a clinching evidence as regards the complicity of the petitioner. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 1 month and is otherwise not involved in any other case. It has been informed that as on date 9 PWs out of the cited 19 PWs have been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but having regard to the long custody of the petitioner i.e. more than 2 years and 1 month and the statements of the witnesses and the fact that conclusion of trial is likely to consume time inasmuch only 9 PWs out of the cited 19 PWs have been examined so far, no useful purpose will be served by further detaining the petitioner behind bars. The instant petition, as such, is allowed and the

petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.
- It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case and the Trial Court shall independently assess the evidence.

16.1.2024  
pankaj

( Gurvinder Singh Gill )  
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No