

2132024:PHHC:021302

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58085-2023

Date of Decision: February 15, 2024

VIJAY KUMAR.....Petitioner

Versus

STATE OF PUNJAB.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Sharma, Advocate for the petitioner.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of this third petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 89 dated 23.09.2021 registered under Sections 307/323 IPC and Section 25 of Arms Act,1959 at P.S. Sadar Abohar, District Fazilka wherein, the petitioner has been implicated with the allegations of having fired a gun-shot upon the complainant-Jagdish Kumar which hit him towards the right side of chest near shoulder besides having attacked one Satnam Singh with dasti kappa which hit him on his right hand.
2. Learned State counsel has filed status report by way of affidavit of Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police (Rural), Abohar, District Fazilka today in the Court, the same is taken on record. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner gave a fire-arm injury to the complainant which hit him towards the right side of his chest and a kappa injury was also inflicted upon one Satnam Singh which hit him on the right hand, thus, the petitioner does not deserve the concession of bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges. Even the complainant as well as other injured namely Satnam Singh already stand examined and no apprehension has been expressed by the prosecution as regards any kind of threat having been extended by the petitioner to the witnesses. In the given facts and circumstances, since only two of the prosecution witnesses have been examined out of total of 20, the petitioner being already behind the bars for a period of 2 years and 4 months and there being no likelihood of trial being concluded in near future, this Court does not find justification to extend his incarceration any further especially when the petitioner is not involved in any other case.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

15.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>