

2025.PHHC:039477



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-5293-2025 (O&M)

Reserved on : 20.03.2025

Pronounced on : 25.03.2025

Akashdeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 60 dated 21.05.2024, registered under Sections 323, 324, 307, 148 and 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 (Section 201 of IPC added later on) at Police Station Sarhali, District Tarn Taran.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement got recorded by complainant Ajit Singh alleging therein that on 21.05.2024, at about 5:30/6:00 PM, his son Harman Singh was playing cricket along with some other boys of the village and he was watching their match. In the meanwhile, petitioner Akashdeep Singh along with 8-9 unidentified persons, came in car and encircled his son. They inflicted one datar blow upon the victim but he somehow saved himself. Thereafter, the petitioner fired gunshots shots towards the complainant and his son with an intention to kill

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them. One of such shots hit on the neck of his son Harman Singh, due to which, he fell down. On the clamour raised by the complainant, the petitioner and other assailants fled away from the spot along with their respective weapons. Subsequently, on 29.05.2024, complainant got recorded his supplementary statement, wherein, he disclosed the names of other assailants, who had come along with the present petitioner. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 13.10.2024. Other co-accused were also arrested. Offence under Section 201 of IPC was added subsequently. After completion of necessary investigation and usual formalities, *challan* was presented in Court and presently the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 03.01.2025.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. The FIR was got registered by the complainant due to some misconception. The matter stands compromised between the parties and a petition, bearing number **CRM-M-39940-2025**, has already been filed by the petitioner and other co-accused seeking quashing of the FIR in question on the basis of the said compromise, which is pending for 13.05.2025. Even otherwise, the material witnesses, i.e. complainant and the victim, have been examined before the learned trial Court as PW-1 and PW-2, respectively, and they have not supported prosecution version and have exonerated the petitioner from the subject crime. It is further argued that petitioner is in

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custody since 13.10.2024. Trial is likely to take time. Keeping in view the above facts, no useful purpose would be served by detaining the petitioner into custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious and specific allegations against him. He along with other co-accused had opened assault upon the victim on the fateful day and the petitioner had fired gunshots, out of which, one shot hit on the neck of the victim, thereby causing him injury, which was dangerous to life. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner along with co-accused is alleged to have opened an attack upon the victim on 21.05.2024, when he was playing cricket with other boys of the village. The petitioner is also alleged to have fired gunshots towards the complainant and the victim, out of which, one shot hit on the neck of the victim. The petitioner has placed on record a copy of the compromise dated 11.07.2024, which has been arrived at between the parties. Although the authenticity of the said compromise cannot be assessed at this stage, however, it is shown that the material witnesses i.e. complainant and the victim have not supported the prosecution version while appearing before the learned trial Court as PW-1 and PW-2, respectively. The sworn depositions of these witnesses have been placed on record as Annexures P-5 and P-6 and a perusal

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of the same reveals that they have turned hostile and have totally exonerated the petitioner from commission of subject crime while stating the accused present in the Court were not the persons who had attacked the victim on the fateful day. The complainant has even stated that he had not made any statement to the police on 21.05.2024 to the effect that the petitioner along with 8-9 unknown persons had attacked upon the victim and fired any gunshot, thereby causing him injuries. Similar is the deposition made by PW-2/victim Harnam Singh. The petitioner is custody since 13.10.2024. Keeping in view the nature of evidence coming forth on record, the period of incarceration of the petitioner as well as the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

25.03.2025

*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*