

2025:PHHC:046595



226.

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

CRM-M-17356-2025

Date of decision: 04.04.2025

Amritpal Singh alias Gori

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhisham Kinger, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.0172, dated 23.09.2023, under Sections 399, 402 of IPC (Sections 307, 216, 353, 186 of IPC added lateron), Section 25 of Arms Act and Sections 21, 29 of NDPS Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 23.09.2023 on the allegations that he was member of a gang which was indulging in criminal activities like robbery, snatching and the offences under NDPS Act. It has been contended that the petitioner was apprehended by the police pursuant to a secret information and thereafter, a recovery of a *datar* was shown to have been made from him. However, even as per the case of the prosecution, other than his

presence being shown along with the co-accused at the relevant time, no other role, much less any injury has been attributed to him. It has still been further submitted that no recovery of any contraband was made from the petitioner. Instead, the recovery of 310 grams of heroin was allegedly made from co-accused, Avtar Singh @ Sahil. Learned counsel submits that since investigation is complete and charges stand framed, further incarceration of the petitioner would serve no useful purpose, as only two prosecution witnesses out of the 21 cited have been examined so far.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Ramjinder Singh, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. On further instructions, learned State counsel has also not disputed that the petitioner has not been attributed any specific injury in the occurrence in question; it was co-accused, Avtar Singh @ Sahil, who allegedly fired towards Inspector Prabhjit Singh, however, admittedly, no firearm injury was sustained by Inspector Prabhjit Singh in the occurrence in question. Learned State counsel has also not been able to dispute that no contraband was recovered from the petitioner when he was arrested in the present case other than a *datar*.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 23.09.2023. Till date, only two prosecution witnesses out of 21 cited have been examined. The possibility of the trial concluding in the near future therefore looks remote.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 04, 2025
sanjeev

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