



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

1. CRM-M No.34468 of 2024

Babaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.43466 of 2024

Jugraj Singh @ Tiddi @ Jagraj Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 8th January, 2025

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.M. Gulati and Mr. Yajur Sharma,
Advocates for the petitioners.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 483 of BNSS in case FIR No.68 dated 10.06.2023 under Sections 307, 120-B, 34 of the IPC, Section 25 of Arms Act, 1959 (Sections 21, 29, 22, 24, 27 of NDPS Act added later on) registered at Police Station Khilchian, District Amritsar Rural. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned State counsel, on instructions from SI Bikramjit Singh, has not disputed the submissions made by the learned counsel for the petitioners on the previous date of hearing that despite issuance of bailable warrants, the prosecution witnesses including the complainant, had not appeared before the trial Court to get their evidence recorded. Learned State counsel has also not disputed that petitioner Babaljit Singh had not been attributed any injuries, much less, with a firearm on the person of the complainant or his wife in the occurrence in question. It has however, been asserted by the learned State counsel, on instructions, that the wife of the complainant had sustained a single firearm injury on her foot which had been attributed to co-accused Manna.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite for extending the concession of bail to the petitioners, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR in question which has been annexed as (Annexure P-1) and contended that the petitioners were present along with co-accused Manna who had fired towards the wife of the complainant.

4. Learned counsel appearing for the petitioner Babaljit Singh has submitted that the petitioner has now been in custody since 18.10.2023 whereas learned counsel for the petitioner Jugraj Singh @ Tiddi @ Jagraj Singh submits that he has been in custody since 13.06.2023, and in the aforementioned facts and circumstances, since

the prosecution witnesses have not been appearing before the trial Court to get their evidence recorded, there is no likelihood of the trial concluding in the near future and hence, they both deserve to be extended the concession of bail.

5. Learned State counsel, on the other hand, has submitted that although petitioner Jugraj Singh has not been attributed any firearm injury on the person of the wife of the complainant, however, recovery of 290 grams of Heroin along with some ammunition was made from the petitioner Jugraj Singh; petitioner Jugraj Singh on being arrested suffered a disclosure statement that recovered contraband along with the ammunition had been purchased from accused Sarabjit Singh, who however, has since been extended the concession of bail.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. It is a matter of record that the trial has not been able to make much progress on account of the repeated non-appearances of the material witnesses who, despite being summoned through bailable warrants, have not been appearing before the trial Court. As many as 32 prosecution witnesses have been cited and since none has been examined till date, there is no possibility of the trial concluding in the near future.

8. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners. Both the petitions as such are allowed and the petitioners are

admitted to bail to the satisfaction of the trial Court/Duty Magistrate.
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

January 8, 2025
rps

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