



CRM-M-40774-2025(O&M)

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

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**CRM-M-40774-2024(O&M)
Decided on :29.05.2025**

Ajay

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.176 dated 22.12.2022, under Section 387, 336, 506, 34 of IPC (Sections 307, 353, 186 IPC were added later on) and Section 25 of Arms Act, 1959, registered at Police Station Majitha Road, District Police Commissionerate Amritsar (P-1).

2. Learned counsel for the petitioner submits that, as per the allegations, when the police attempted to apprehend the petitioner, he tried to escape by jumping from one rooftop to another and, in the process, suffered fractures in both legs due to a fall. It is further submitted that the allegation of firing at the police party has been attributed to the co-accused, namely Amar Kumar, which allegedly resulted in causing bullet injury to Constable Gurjit Singh on his left leg.



3. On 24.02.2025, after hearing the counsel for the petitioner, following order was passed:

“ Prayer in these petition is for grant of regular bail to the petitioners in the case FIR No. 176 dated 22.12.2022 under Sections 387, 336, 506, 34 IPC (Sections 307, 353, 186 IPC added subsequently) and Sections 25, 27, 54, 59 of the Arms Act registered at Police Station Majitha Road, District Police Commissionerate Amritsar.

Counsel for the petitioners argue that:-
(i) the petitioners are inside the jail for the last more than two years;

(ii) As per the allegations, after firing the shot upon the police officials, the petitioners attempted to evade their arrest and in that process while jumping from one route to the other, fell down on the ground and suffered fracture in both the legs and since that day, they are inside the jail;

(iii) Out of total 42 prosecution witnesses, only 01 has been examined. Thus, trial is almost stagnant;

(iv) The petitioners are involved in one other case, in which been they have already been released on bail.

Thus, prays for grant of bail.

On the other hand, learned State counsel apprises the Court that as per instructions received by him, the petitioners have been intimidating the witnesses after the incidence, even from the jail. He further submits that next date for recording the statement of prosecution witnesses before the trial Court is 06.03.2025.

Learned Public Prosecutor and trial Court are directed to record the statement of all material witnesses at the earliest or maximum within two months period from the next date fixed before it.

After recording of statement of material private witnesses, list again on 29.05.2025.

Photocopy of this order be placed on the connected file.”

4. Learned counsel further submits that all the material witnesses, including injured Constable Gurjit Singh, have since been examined, and petitioner himself has suffered fractures in both the legs, and has also remained in custody for over a period of two years, prayer for regular bail is being reiterated.

5. While opposing the prayer, learned State counsel submits that petitioner is an active member of the group that attacked the police



party. However, he does not dispute that the material witnesses, namely PW1-Gurjit Singh, PW2-DSP Varinder Singh, PW3-Veena Kumar, PW4-Parshotam Lal, PW5-Maninder Sharma, PW6-SI Jaspal Singh, PW7-Jaswant Singh, and PW8-Rinku—have already been examined in compliance with the order dated 24.02.2025 passed by this Court.

6. Taking into account the submissions made by learned counsel for the parties, and considering the facts and circumstances of the case, including the prolonged custody of the petitioner and the fact that all material witnesses have now been examined, this Court finds merit in the petitioner's prayer for bail.

This Court is also of the considered view that the petitioner deserves a fair opportunity for rehabilitation and reintegration into society. Without expressing any opinion on the merits or sufficiency of the prosecution's evidence, and keeping in view the petitioner's continued incarceration for over two years, as well as the fact that material prosecution witnesses have already been examined, this Court is of the opinion that the petitioner's personal liberty ought not to be curtailed indefinitely, particularly when the conclusion of the trial may still take a considerable period of time.

7. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

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8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.05.2025*Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*