



accused/applicant is languishing in jail since 28.12.2023. This is certainly not the manner in which the State is expected to treat liberty of the citizens. Repeatedly, such defaults on the part of investigating agency come up and the orders are repeatedly sent to the Commissioner of Police. But nothing has changed. Learned APP for State assures that copy of this order shall be delivered to the Commissioner of Police through the Senior Standing Counsel and if again such default occurs, such orders may be sent to the Secretary, Home Affairs so that the system gets streamlined and the State agencies start respecting liberty of the citizens.

3. Broadly speaking, allegation against the accused/applicant is that on 24.12.2023, along with two co-accused persons, namely Vikas and Rajan, accused/applicant fired one bullet at the complainant *de facto*, but the latter managed to save himself, after which Vikas and the present accused/applicant fled the spot, though co-accused Rajan was apprehended. Rajan has already been released on bail.

4. Learned counsel for accused/applicant submits that the eye witness in his testimony as PW4 has not supported prosecution case. Further, it is submitted that all public witnesses already stand examined in trial, so no purpose would be served by keeping the accused/applicant in jail.

5. Learned APP expresses inability to oppose the bail application as he is not assisted by the Investigating Officer.

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6. Since the accused/applicant is in jail with effect from 28.12.2023, I find no reason to adjourn the matter awaiting the Investigating Officer to appear and assist.

7. Most important aspect is that the misfired bullet was recovered from the spot and it matched with one of the pistols allegedly used by the assailants. On the basis of limited information supplied by SI Rahul Ranjan, learned APP submits that two pistols were used in the alleged offence, out of which one was recovered from the present accused/applicant while the other was found lying at the spot itself. The bullet recovered from the spot matched with the pistol recovered from the spot itself and not with the pistol recovered from the accused/applicant.

8. Of course on these aspects, the trial court shall take independent view as regards culpability of the accused/applicant.

9. Considering the above circumstances, I find no reason to deprive liberty to the accused/applicant. Therefore, the bail application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the learned trial court.

10. Copy of this order be sent to the concerned Jail Superintendent for

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being informed to the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

AUGUST 13, 2026/ry

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