

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-28160 of 2015

DATE OF DECISION: 01.10.2015

Rajesh Kumar Gupta

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Kamaljeet Singh Mamrat, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 41 dated 18.2.2015 registered under Sections 307/353/186/148/149 IPC, Section 25/54/59 of Arms Act and Section 16 of Unlawful Activity Act, 1967 at Police Station Kotwali, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case as he was not named in the FIR. As per allegations in the FIR, when the police stopped the car, six persons came out from the car and started firing on the police party. In response thereto, the police party also fired number of shots including shots from AK-

47 but none has been shown to have injured. Learned counsel further contends that as per case of the prosecution, four persons have run away from the spot and only two persons, namely Ranjit Singh @ Dulpa and Gurcharan Singh @ Rinka have surrendered before the police authorities. Learned counsel also contends that initially Ranjit Singh @ Dulpa and Gurcharan Singh @ Rinka named only two persons i.e. Gurpreet Singh @ Sekhon and Amitos Singh @ Mani and the petitioner has been named by Ranjit Singh @ Dulpa in his supplementary statement. The petitioner was arrested on 21.2.2015 and thereafter bail application was filed before the lower Court, which was dismissed. Learned counsel also submits that co-accused of the petitioner, namely, Jawinder Singh @ Rocky has approached this Court by way of filing Crl. Misc. No. M-13092 of 2015, which was allowed. The investigation of the case is complete and challan has been presented on 28.4.2015 and no purpose would be served by keeping the petitioner behind the bars.

Learned counsel for the respondent-State has not disputed the release of co-accused of the petitioner on regular bail and also the submissions with regard to allegations but opposes grant of bail to the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR and other documents available on the file.

A perusal of FIR would show that the petitioner has not been named and he has been involved in this case only on the basis of supplementary statement made by Ranjit Singh @ Dulpa. As per allegations levelled in the FIR, the car was stopped by the police party from which six persons came out and started firing on the police party. The police party also fired number of shots including shots from AK-47 but no

injury has been caused to any person. Ranjit Singh @ Dulpa and Gurcharan Singh @ Rinka have surrendered before the trial Court and remaining four persons have been shown to have run away from the place of occurrence. As per prosecution version, the police party was knowing only two persons and not other four persons. It is highly unbelievable that in the presence of many police officials, the accused managed to have run away. It is also not disputed that the present petitioner has been implicated only on the basis of disclosure statement made by co-accused, which is inadmissible in the eyes of law. The investigation is complete and challan has already been presented. Co-accused of the petitioner, namely, Jaswinder Singh @ Rocky has also been released on regular bail by this Court on 14.5.2015. The petitioner is in custody since 21.2.2015 and no purpose would be served by keeping him behind the bars.

Accordingly, the present petition is allowed and petitioner, namely, Rajesh Kumar Gupta is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 01, 2015
pooja

(DAYA CHAUDHARY)
JUDGE