

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

**Criminal Misc. No. M-35537 of 2015  
Date of Decision: 30.11.2015**

Varinder Kumar @ Sonu Kahanpuria

--Petitioner.

Vs.

State of Punjab

--Respondent.

**CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with  
Mr. Pratham Sethi, Advocate  
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

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**RAMESHWAR SINGH MALIK J. (ORAL)**

Petitioner seeks bail pending trial in FIR No.161 dated 30.11.2014 under Sections 302/307/324/323/148/149/120-B IPC, registered at Police Station Division No. 7, Jalandhar.

Learned senior counsel for the petitioner submits that petitioner was not named in the FIR. He further submits that petitioner was sought to be implicated in the present case with the aid of supplementary statement suffered by the complainant. He also places reliance on the statement of PW1-Dr. Dharam Veer, (Annexure P-3), to contend that possibility of injury No.5 on the person of Charankamal Singh, as a result of fall could not

be ruled out. He concluded by submitting that since the petitioner is inside jail for the last more than 8 months, he is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Jal Singh, submits that since the complainant suffered the supplementary statement on the same day, it was found worth acceptance and no fault can be found with the supplementary statement. He further submits that although the petitioner was not named in the FIR, yet there were serious allegations against him in the supplementary statement suffered by the complainant. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of record of the case, this Court is of the considered opinion that keeping in view the peculiar fact situation of present case, petitioner has been found entitled for the concession of bail pending trial. It is so said because it is a matter of record that petitioner was not named in the FIR. The incident took place on 27.11.2014 whereas the FIR came to be registered on 30.11.2014, i.e. after 3 days of the alleged occurrence. Further, FIR was registered at 1:30 P.M., on 30.11.2014 and the supplementary statement came to be recorded on the same day at 5:30 P.M. In such a situation, it

would be a debatable issue before the learned trial court whether the petitioner, as a matter of record, participated in the commission of crime.

In view of the above and without commenting anything on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

30.11.2015  
AK Sharma