

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

CRM No.M- 3592 of 2015(O&M)

Date of Decision: February 9, 2015.

Vishal Kumar

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Gurinder Jit Singh, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioner prays for bail pending trial in FIR No.131 dated 15.12.2014, under Sections 302/118/34 IPC and Sections 25/27 of the Arms Act, 1959, registered at police station Sri Hargobindpur, Police District Batala, District Gurdaspur.

It is contended that the petitioner is a student of BBA at Jalandhar and he has been falsely implicated in this case. There is no allegation qua him which would connect him to the commission of alleged offence. He has not been named in the FIR. He is sought to be implicated on the disclosure statement of co-accused, Lovepreet @ Love. In the said disclosure statement, no overt act

had been attributed to the petitioner. He was not even present at the time of the commission of the alleged crime. As per the prosecution, only allegation against the petitioner is that he was aware of the commission of the crime but he did not disclose the same to the police authorities.

Learned counsel for the State, on instructions from ASI Jagir Singh, is unable to dispute the factual position as disclosed above.

It is verified that the petitioner was not present at the time of the alleged occurrence.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case where the petitioner is not even found to be present at the time of the commission of the alleged offence and is not attributed with any act overt or otherwise, leading to the death of Lovepreet @ Labha, it is considered just and expedient to allow this petition.

Consequently, without commenting or expressing any opinion on the merits of the case, this petition filed by Vishal Kumar is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned Chief Judicial Magistrate, Gurdaspur.

None of the observations made hereinabove shall not be construed to be a reflection on merits of the case and shall have no bearing on trial.

(LISA GILL)
JUDGE

February 9, 2015.