

CRM-M-19251-2016

Date of Decision : 03.06.2016

Gagan Kumar @ Gagan

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered in the year 2000 in Police Station City Rajpura on the allegations that some unidentified persons had murdered Sanjay Kumar. The untraced report was presented in the said case and was accepted by the Illaqa Magistrate.

The petitioner was arrested in FIR No. 150 dated 15.10.2015 under Section 399, 402 IPC. During the course of investigation, the petitioner allegedly made a disclosure statement to the police acknowledging his involvement in the commission of murder of Sanjay Kumar in the year 2000. PW Pardeep Kumar when again joined in investigation identified Baljinder Singh, co-accused of the petitioner as real assailant who has fired shot on the person of Sanjay Kumar.

Counsel for the petitioner submits that the petitioner has been involved in the case of murder after the expiry of 16 years of the occurrence after the cancellation report having been accepted, on the basis of inadmissible and weak evidence. The weak evidence is also not

sufficient enough to indict the petitioner.

With the assistance of State counsel and ASI Swaran Singh, I have gone through the police file and copy of the challan which has been presented in the Court. Besides the above noted material, there is absolutely no evidence to connect the petitioner with the crime which indicates that the culpability of the petitioner during trial will be a debatable issue.

Without expression of any opinion on merits, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

03.06.2016
Neha