

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

**CRM No.M-24056 of 2017
Decided on: 30.08.2017**

Ajay Kumar @ Kaku

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Toor, Advocate
and Mr. N.S. Goraya, Advocate for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.15 dated 03.02.2016, for offence punishable under Sections 307, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25, 54, 59 of the Arms Act, registered in Police Station Daba, District Ludhiana.

Counsel for the petitioner submits that the petitioner was not named in the FIR and he was named after a gap of about 07 months from the date of registration of the FIR in a supplementary statement given by the complainant – Iqbal Singh on 30.08.2016. It is further submitted that even as per the supplementary statement, the petitioner was not attributed any injury and the allegations are that he was driving one motorcycle. It is further submitted that the petitioner is neighbour of the complainant and his identity cannot be disputed and, therefore, the involvement of the petitioner after a period of 07 months is doubtful. It is also submitted that mother of the petitioner namely

Baljeet Kaur has filed CRM-M No.19391 of 2016 praying for issuance of direction to the official respondent to ensure the security of life and liberty of the present petitioner at the instance of one Sonu @ Kancha and Vijay @ Chichri and in that petition, vide order dated 18.01.2017 the Deputy Commissioner of Police (I), Ludhiana is directed to file an affidavit giving therein the steps taken to try and apprehend Sonu @ Kancha. The said petition is stated to be now listed for 18.09.2017. Counsel for the petitioner has also submitted that on account of filing of aforesaid petition, the petitioner has now been named in the present FIR.

Counsel for the State, on instructions from HC Jarnail Singh, has not disputed the factual assertions but opposed the prayer for bail. He has further submitted that in the supplementary statement, the petitioner is named in the FIR by the complainant – Iqbal Singh.

I have heard counsel for the parties, perused the paperbook and the records.

Without commenting anything on merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

30.08.2017
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No