

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-33257 of 2017
Date of Decision: 13.09.2017

Angrej Singh @ Kaka

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.106 dated 21.07.2016 registered for offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Division no. 4, Jalandhar, District Jalandhar.

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, DAG, Punjab, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for petitioner submits that the petitioner was not named in the FIR nor he was attributed any role in murder of Rimple Kanojia, brother of complainant. He has been falsely implicated in this case.

Learned State counsel submits that though the petitioner is not

named in the FIR but his name cropped up during investigation, when Sumit Suneara, who was arrested on the disclosure statement of co-accused named in the FIR, was interrogated. He suffered disclosure statement about the presence of petitioner alongwith persons, who are named in the FIR.

The petitioner was arrested in this case on 27.07.2016. After presentation of challan, trial is in progress. The question relates to identity of petitioner as the person, who was present alongwith assailants, who attacked and killed Rimple. The prosecution is relying on disclosure statement of Sumit Suneara and it is for the trial Court to look into as to whether this statement is admissible against the petitioner.

Keeping in view of above facts but without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Angrej Singh @ Kaka is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No