

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

**CRM-M No.48271 of 2017
Date of Decision : 22.12.2017**

Parveen Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail on behalf of the petitioner, who is facing trial in the criminal proceedings arising out of FIR No.10 dated 21st February, 2017, registered under Sections 302, 323, 324, 148, 149 of the Indian Penal Code (for short, 'the IPC')(Section 120-B of the IPC added later on) at Police Station Banur, District Patiala.

Mr. Vishal Nehra, Advocate has put in appearance on behalf of the complainant and filed his Power of Attorney today in

Court; Be kept on record.

Custody certificate of the petitioner filed in the Court today; Be kept on record.

Perused custody certificate, from which it transpires that the petitioner has undergone detention more than 09 months till now.

Admittedly, the petitioner was not named in the original FIR. He was subsequently added as an accused on the basis of supplementary statement given by the complainant, which was however qualified with the admission that the complainant had subsequently “gathered” about the involvement of some more persons in the occurrence apart from those originally named in the FIR. The source of such “gathered knowledge” is not clear from the material available in the Case Diary. Interestingly the statement given by the other surviving victim, who was assaulted by the culprits in the same occurrence, does not mention the petitioner's name, and even otherwise no actual act of violence is imputed to the petitioner in the supplementary statement of the complainant.

For the above-mentioned reasons, further detention of the present petitioner for an indefinite period at this stage is not justified since it has transpired that even the first witness from the

prosecution side is yet to start evidence.

The case of the present petitioner therefore is absolutely on an identical footing with co-accused, namely Sukhchain Singh @ Chain, who was earlier granted bail by this Court in CRM-M No.41173 of 2017 on 7th November, 2017.

Consequently, the present petitioner, namely Parveen Kumar may therefore, be released on regular bail to the satisfaction of the Ld. Trial Court/Area Magistrate concerned.

Disposed off.

December 22, 2017

**(SUDIP AHLUWALIA)
JUDGE**

Dpr

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No