

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
219

CRM-M-14766-2018

Date of decision: 20.04.2018

Neeraj Kumar @ Guggu

...PETITIONER

Vs.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pushpinder Kaushal, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail in FIR No. 101 dated 11.11.2016 under Sections 302, 307, 148, 149, 120-B IPC, 25/54/59 of Arms Act, Police Station Kiratpur Sahib.

It is the contention of the learned counsel for the petitioner that the petitioner although has been named in the FIR but no injury is attributed to him despite he being shown to have been armed with a pistol. No recovery has been effected from the petitioner except for the motorcycle, which is said to have been used while escaping from the place of occurrence. His submission is that the injury, which is attributed to Dilpreet Singh by the double barrel gun, was the cause of death of Vivek Sharma and also the reason for amputation of the left arm of the complainant. His assertion is that the petitioner has been falsely implicated in the present case. Out of 22 witnesses, 5 witnesses have been examined and the trial is not likely to conclude in near future. He, therefore, prays for concession of

bail during the pendency of the trial.

Counsel for the State, on instructions from ASI Inderjit Singh, Police Station Kiratpur Sahib, District Rupnagar, could not dispute the assertions of the counsel for the petitioner. He, however, stated that the petitioner was a part of the unlawful assembly which has gathered there as there was a date fixed before the trial Court in some other case and he, along with other co-accused, had intentionally come there to commit the offence. He also submits that three co-accused of the petitioner, namely, Dilpreet Singh, Rinda Sandhu and Harjinder @ Akash are proclaimed offenders and, therefore, the petitioner be not granted the concession of regular bail

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

Keeping in view the assertions of the counsel for the petitioner, which go unrebutted and taking into consideration the fact that out of 22 witnesses, only 5 witnesses have been examined with the petitioner being in custody since 05.01.2017 and the trial is not likely to conclude in near future, the present application is allowed. Petitioner is directed to be released on bail to the satisfaction of the trial Court on his furnishing bail/surety bonds.

Any observations made here-in-above shall have no bearing on the merits of the case in any manner.

April 20, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No