

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

**CRM-M No.32991 of 2017
Decided on: 24.04.2018**

Dalip Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishvajeet Singh, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Shvetanshu Goel, Advocate
for Mr. Sherry Goel, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.15 dated 03.02.2016, for offence punishable under Sections 307, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') and Section 25/54/59 of the Arms Act, registered at Police Station Daba, District Ludhiana.

Counsel for the petitioner has submitted that the petitioner is in judicial lock up since 22.05.2017, the investigation is complete and the case is now fixed for prosecution evidence, however, no prosecution witness has been examined so far. It is further submitted that as per the allegation in the FIR which was registered on 03.02.2016 against 02 persons namely Deepak Kumar @ Deepu and Dalvinder Singh @ Jeeti, the complainant, after 07 months of registration of the

FIR, by giving a supplementary statement has named the petitioner along with co-accused Ajay Kumar @ Kaku.

Counsel for the petitioner has further argued that as per affidavit of the Investigating Officer, the petitioner is involved in 04 other cases, however, the petitioner is on bail in all those cases. A photocopy of the order granting bail to the petitioner in other FIRs is taken on record as Mark 'B'.

Counsel for the petitioner has also submitted that the co-accused of the petitioner namely Ajay Kumar @ Kaku was also named after 07 months of registration of the FIR by way of supplementary statement and has already been granted the concession of bail vide order dated 30.08.2017 passed in CRM-M No.24056 of 2017 by passing the following order:-

“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.”

Counsel for the State has filed the affidavit of the Investigating Officer and has not disputed the fact that till date, no PW has been examined.

Counsel for the State, on instructions from ASI Daljeet Singh, assisted by counsel for the complainant has also opposed the prayer for bail on the ground that the petitioner is involved in 04 other FIRs.

Without commenting anything on merits of the case and considering the fact that the petitioner is on bail in other FIRs mentioned in affidavit of the Investigating Officer; he is in custody

since 22.05.2017; till date no prosecution witness has been examined and the co-accused of the petitioner has also been granted the concession of regular bail, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.04.2018
yakub

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