

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

CRM-M-40952-2018 (O&M)

Date of Decision:-6.10.2018

Kunwarbir Singh @ Kammi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.325 dated 30.10.2017 under Sections 302 and 34 of Indian Penal Code, 1860 (Sections 212 and 120-B IPC were added later on) and Sections 25/27/54 of Arms Act, 1959 at Police Station 'A' Division, District Amritsar.

The FIR was lodged at the instance of Ramesh Kumar @ Monu who has alleged that on the day of occurrence he had sent Gurjeet Singh to drop Vipin Kumar on his motorcycle and when Vipin Kumar was about to sit on the pillion seat, then two Sikh persons, one of whom was wearing yellow 'Patka' and his face was covered with red cloth and another who was wearing a Khakhi 'Pagri' came there and the person who had covered his face with red cloth shot at Vipin Kumar with a pistol, as a result of which he fell down and while he was lying down, both the said persons fired continuously at Vipin Kumar from their pistols and who ultimately died due to the aforesaid pistols shots.

During the course of investigation, the police collected evidence to the effect that the person who was wearing orange turban was Jaspreet Singh @ Gifti and the one who was wearing yellow 'patka' was Shubham. As far as the petitioner is concerned, he was not present at the spot.

Notice of this petition was issued to the State.

The learned counsel for th petitioner has submitted that the petitioner is not named in the FIR and infact it is only two persons, who are stated to have come to the spot on a motorcycle and fired at deceased Vipin Kumar and that the petitioner is sought to be implicated solely on the basis of a disclosure statement made by another co-accused namely Vishal Sharma. It has thus been prayed that the petitioner deserves the concessaion of bail especially since another co-accused Bikramjit Singh @ Ghalla @ Rahul, who was also not present at the spot, has already been granted bail.

On the other hand, the learned State counsel has opposed the petition and has submitted that during the course of interrogation of Vishal Sharma, it has surfaced that the present petitioner had been helping the main accused, who had fired at Vipin Kumar and that during the period when the said main accused were absconding, the present petitioner had been providing them food and shelter and had also been financially heping them. The learned State counsel has submitted that it is apparent that the petitioner was part and parcel of the entire consiparcy and that in these circumstances the petitioner does not deserve the concessaion of bail.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the petitioner was neither present at

the place of occurrence nor is alleged to have fired at deceased and that the only role attributed to him is of having provided shelter to the main accused and which too is based on the statement of a co-accused, recorded during the course of interrogation, and also bearing in mind the fact that the petitioner has been behind bars since the last more than ten months and the charges are yet to be framed, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to take some time for its conclusion. The present petition, as such, is accepted and the petitioner-Kunwarbir Singh @ Kammi is ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands accepted accordingly.

6.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No