

CRM-M-43285-2017

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

CRM-M-43285-2017

Date of Decision: 17.01.2018

Vijay

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that even the video recording from the CCTV camera installed in the mall where the co-accused of the present petitioner (i.e. Vishu Kamboj) has a shop, shows that it was the said co-accused alone being attacked by several persons with baseball bats etc., and in self-defence he fired shots from his licensed revolver, one of which hit the thigh of one of the attackers and the other in the abdomen.

The petitioner is not seen anywhere even in the CCTV footage and has been simply implicated by the police as a conspirator in the death of two persons in the occurrence, due to gun shots wound received.

Learned counsel for the State, on specific query after having been asked on the last date of hearing to assist the Court by looking at the video recording, could not deny that as per the video recording at least, the petitioner is not seen in the recording and it is only Vishu Kamboj who is seen in the CCTV footage, being attacked by 4-5 persons and him shooting from his licensed arm.

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However, he further submits that the petitioner is connected in the occurrence in view of the fact that immediately prior thereto, phone calls have been exchanged between a co-accused of the present petitioner Vijay, i.e. Prithi Ram, from 6:12 p.m. onwards with Vishu Kamboj, which calls as per the investigating agency, were in furtherance of a conspiracy hatched to call the complainant side to the shop of the aforesaid Vishu Kamboj to compromise the matter, but upon them reaching there, Vishu Kamboj opened fired at them killing two of them, after which the attack took place on Vishu Kamboj, which has been captured in the CCTV.

On query to learned State counsel as to whether the present petitioner, i.e. Vijay, exchanged any phone calls with the aforesaid Vishu Kamboj immediately prior to the occurrence, he submits that the phone call exchanged with the petitioner is a few days prior to the occurrence.

That being so, in the aforesaid circumstances, with the petitioner neither shown to be on the spot, nor having exchanged any phone calls with the aforesaid Vishu Kamboj, who in any case is stated to be alone at the time of occurrence, at least in the video recording, the petition is allowed and upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438 (2) Cr.P.C.

January 17, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.