

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-5068-2019 (O & M)

Date of Decision: 09.04.2019

RAJIV KUMAR @ RAJA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Nandan Jindal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 114, dated 12.10.2017, under Sections 307, 482, 115, 120-B and 34 of the Indian Penal Code ('IPC' - for short); Section 22/61/85 of the NDPS Act, 1985 and Section 25 of the Arms Act registered at Police Station Hariana, District Hoshiarpur.

Learned counsel for the petitioner contends that at the time of registration of the FIR, the petitioner was serving his sentence in another case. The petitioner is not named in the FIR and has been arrayed as an accused on the basis of the disclosure statement of co-accused Satnam Singh and Amrit Singh that the petitioner had made a deal with them to murder the witnesses/family members who had murdered their brother Nishan Singh. There is no mention about the petitioner's involvement in the NDPS case even in the disclosure statement of the co-accused. The petitioner is in custody for over 6 months since his arrest on 16.10.2017. He also contends that co-accused

namely Jatinder Singh @ Sheru, Hemank Joshi, Tejinder Singh @ Honey, Satnam Singh @ Karodi and Attinder Pal Singh have already been granted the concession of bail by the coordinate Bench of this Court in CRM-M-29343-2018, CRM-M-47194-2017, CRM-M-23076-2018, CRM-M-45006-2018 and CRM-M-29685-2018. The case of the petitioner is on better footing.

Learned State counsel, on instructions from ASI Sushil Singh submits that investigation of the case has been completed but the charges are yet to be framed.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when the co-accused have already been granted regular bail and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

April 09, 2019

A.Kaundal

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No