

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-42422-2018 (O&M)**
Date of Decision:- 2.7.2019

Kamaljit @ Kamal Sahota	Versus	... Petitioner
State of Punjab		... Respondent

(II) **CRM-M-2400-2019 (O&M)**

Jatinder Singh @ Babu	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ramesh Sharma, Advocate for
Mr. Naveen Kaushik, Advocate, for the petitioner
in **CRM-M-42422-2018**.

Mr. Navjot Singh, Advocate, for the petitioner
in **CRM-M-2400-2019**.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions
wherein petitioners Kamaljit @ Kamal Sahota and Jatinder Singh @

Babu, have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.120, dated 7.9.2017, registered at Police Station Mahilpur, District Hoshiarpur, under Sections 302, 148, 149, 120-B IPC and Section 25 of the Arms Act.

2. The FIR was registered at the instance of Amandeep Kumar @ Aman, wherein it has been alleged that on the day of occurrence when he was present in the house of Vipin Kumar, then Lovepreet Singh armed with a pistol, Rajesh Kumar @ Banta who was also carrying a pistol and Kamaljit @ Kamal Sahota along with 4-5 other unknown persons came there. It is alleged that Lovepreet Singh fired from his pistol at complainant's brother namely Rohit, hitting him on his chest. It is further alleged that Rajesh Kumar also fired at complainant's brother hitting him on his back. It is further alleged that later the complainant came to know that the said persons had come in vehicle bearing registration No.CH-01S-3614.
3. Learned counsel for the petitioners have submitted that even if the allegations, as levelled in the FIR are taken to be correct, neither Kamaljit @ Kamal Sahota is alleged to be armed with any weapon or is stated to have caused any injury. It has further been submitted that petitioner Jatinder Singh @ Babu in any case is not named in the FIR and was later nominated as an accused on the basis of a supplementary statement.

4. Learned counsel for Kamaljit @ Kamal Sahota has further submitted that in fact during the course of investigation it was found that Kamaljit was not present at the spot.
5. Opposing the petition(s), learned State counsel has submitted that since specific and serious allegations have been levelled against the accused and that while Kamaljit is named in the FIR, Jatinder Singh came to be nominated on the basis of supplementary statement which was recorded on the date of lodging of the FIR itself. It has been informed that although there is some evidence with the police which could suggest that Kamaljit was not present at the spot but the evidence also suggests that he was part and parcel of the conspiracy especially in view of the fact that the car allegedly used in the occurrence was recovered from the said Kamaljit. It has, however, been informed that the case is presently fixed before the trial court for 15.7.2019 for consideration on framing of charge and that while Kamaljit has been in custody since 11.9.2017, Jatinder Singh has been in custody since 15.9.2017.
6. Having considered rival submissions addressed before this court and while noticing that none of the petitioners is attributed any injury and infact none of them is stated to be armed with any weapon while also bearing in mind that the petitioners have been behind bars since the last more than 1 year and 9 months and till date the trial has not even commenced, this Court is of the opinion that further detention of the petitioners shall not serve any useful purpose. The petitions, as

such are accepted and petitioners Kamaljit @ Kamal Sahota and
Jatinder Singh @ Babu are ordered to be released on bail on their
furnishing bail bonds/surety bonds to the satisfaction of learned trial
Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The present petitions stand accepted accordingly.

July 2, 2019
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(GURVINDER SINGH GILL)
JUDGE

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