

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

CRM-M-47039-2018 (O&M)
Date of Decision:- 27.2.2019

Vishal Sharma @ Brahaman

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.325, dated 30.10.2017, registered at Police Station A Division, District Amritsar, under Sections 302, 34 IPC and Section 25 of Arms Act (Sections 212 and 120-B IPC added later on).
- 2 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.

3. During the course of investigation, the police collected evidence to the effect that one of the assailants who was wearing orange coloured turban was Saraj Singh @ Minto and the other one wearing a yellow 'patka' was Shubham. It has further surfaced during investigation that after the shots had been fired by the aforesaid two assailants, petitioner-Vishal Sharma @ Brahman and Jaspreet Singh @ Gifti helped them flee away from the spot on two motorcycles.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and is not named therein and that in any case even as per investigation conducted by the police, the petitioner is not amongst the two assailants who had actually fired at the deceased.
5. Opposing the petition, learned State counsel has submitted that CCTV footage had been collected by the police which clearly indicate involvement of four persons including the present petitioner and that in these circumstances no ground for grant of bail is made out. It has however been informed that although challan has been presented but charges are yet to be framed and as many as 53 prosecution witnesses have been cited.

6. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner has been behind bars since the last about 1 year and 3 months and is not alleged to have fired at the deceased and that the trial has not commenced so far and as many as 53 witnesses have been cited, 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 petition, as such, is accepted and petitioner-Vishal Sharma @ Brahaman is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. This petition stands accepted accordingly.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 27, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No