

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

CRM-M No.30735 of 2019 (O&M)

Decided on: 13.12.2019

Sunny Gill

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. G.S. Verma, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.146 dated 30.10.2017, registered under Sections 302, 201, 34 of the of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Daresi, District Ludhiana.

Counsel for the petitioner relies upon the order dated 18.11.2019 passed in CRM-M No.4057 of 2019 granting regular bail to the co-accused – Ravi Kumar @ Bobby. The operative part of the order dated 18.11.2019, reads as under:-

“....The FIR was registered on the basis of the complaint made by Rajesh Kumar Laddi. He stated that he had three children; two daughters and one son Kuldeep Kunwar. On the night of 29.10.2017 there was a programme of holding Satsang in Balmiki Area. His son Kuldeep Kunwar and some other residents of the locality had attended the same. He last saw his son on 29.10.2017 at about 10.00 PM in the Satsang. His son did not return home. The next morning i.e. 30.10.2017 at about 7.00 AM

he was informed that dead body of his son was lying on a pile of sand near the turning of street No.1, New Atam Nagar, Ludhiana. He alleged that his son had been murdered by some unknown persons, who threw the dead body on the pile of sand.

On 11.11.2017 Chander Kanta the mother of the deceased submitted application in which she suspected the role of Sunny, Bobby, Usha, Malo, Imli, Raju and Bugi. The mobile phones of various suspects were collected and sent to Cyber Crime Cell, Ludhiana. It transpired that on the night of the occurrence the location of the mobiles of Sunny Gill and the petitioner were found near the place where the satsang was held. The CCTV footage revealed that Sunny Gill and the petitioner were riding an Activa scooter and were allegedly carrying a gunny bag. Sunny Gill also allegedly made an extra judicial confession before one Sohan Lal Garg that he had committed the crime in a fit of rage.

The contention of the Ld. Counsel for the petitioner is that he has been falsely involved in the case. When the case was listed on 16.07.2019, Ld. Counsel for the petitioner had stated that four material witnesses including two witnesses of extra judicial confession and two witnesses of last seen had already been examined. They had not supported the case of the prosecution. Ld. State Counsel has stated that one material witness remain to be examined. On 26.08.2019 the case was adjourned to 30.09.2019 as his cross examination had been deferred. Now the examination of that witness is complete. Thus all the material witnesses in the case have been examined. Ld. Counsel for the petitioner states that none of them have supported the case of the prosecution.

The petitioner is in custody since 17.04.2018. It is a case based on circumstantial evidence. The material

witnesses have already been examined and they have not supported the case of the prosecution....”

Counsel for the petitioner has further argued that the petitioner was also arrested along with the co-accused – Ravi Kumar @ Bobby on the same day and in view of the fact that almost all the prosecution witnesses (including the complainant) have been examined and they have not supported the prosecution version, therefore, the chances of conviction of the petitioner are very bleak.

Counsel for the State, on instructions from ASI Swaran Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 17.04.2018; the co-accused of the petitioner – Ravi Kumar @ Bobby has already been granted the concession of bail and also in view of the fact that almost all the prosecution witnesses (including the complainant) have been examined, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.12.2019

yakub

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No