

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

Crl. Misc. No.M-39389 of 2019

Date of Decision: November 07, 2019

Rahul Kumar @ Kakki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. B.S.Sewak, Additional Advocate General, Punjab,
for the respondent

Mr. Vineet Sharma, Advocate
for the complainant.

Amol Rattan Singh, J.(Oral)

By this petition, filed under the provisions of Section 439
Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner submits that he has been
named in the FIR subsequently, on the ground that he was found to be
present at the spot along with other co-accused as per the CCTV footage
captured, but that no effective role, whatsoever, has been attributed to him,
with in fact those who were attributed such role, also having been admitted
to anticipatory bail by this Court (Coordinate Bench) on October 11, 2018.

Upon query, learned State Counsel on instructions from ASI
Davinderjit Singh, does not deny that in the CCTV footage the petitioner is
not seen to be carrying any weapon etc. That being so, even though he was
declared to be a proclaimed offender earlier and was arrested two months

thereafter, keeping in view the aforesaid circumstances and the fact that he has been in custody for 7 months, without making any comment on the actual merits of the case, for or against the petitioner, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

November 07, 2019
adhikari/atul

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes/no
Whether reportable: Yes/no