

Pardeep Kumar @ Pammi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Somnath Tayal, Advocate
for the petitioner

Mr. Ajay Pal Singh Gill, DAG Punjab

Mr. Gurpal Singh, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

CRM No. 10852 of 2020

Application is allowed as prayed for. Annexures P-1 to P-4 are taken on record and exemption sought for is granted.

Crl. Misc. No. M-12635 of 2020

The petitioner seeks grant of regular bail in case FIR No. 187 dated 24.07.2019 registered under Section 302 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Lehra, Sangrur.

The petitioner is accused of having murdered a co-worker namely Gurmeet Singh with a revolver.

Learned counsel for the petitioner submits that the petitioner has been in custody in excess of one year. There is no other criminal case pending against him. Although all the prosecution witnesses stand examined but trial is not being concluded as report of the FSL is awaited. The alleged weapon of crime was recovered three days after registration of the FIR i.e. on or about 27.07.2019 and

the FSL report has still not been submitted. It may take some more time for submission of the report and meanwhile the petitioner is suffering from unnecessary incarceration. He may, thus, be granted regular bail.

Custody certificate dated 06.08.2020 has been filed in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 1 year and 11 days and there is no other criminal case pending/decided against him.

Learned State counsel concurs with the submissions made by learned counsel for the petitioner.

Since all the prosecution witnesses stand examined, there can be no apprehension of the petitioner trying to influence them in case he is granted regular bail. From the facts it is evident that the FSL report has not been placed on record even though almost one year has elapsed since recovery of the weapon. There is no other criminal case pending against the petitioner and, thus, keeping him in custody any further would not serve any useful purpose.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 07, 2020
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[SUDHIR MITTAL]
JUDGE

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