

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

CRM-M-16344-2020(O&M)
Date of decision: 16.09.2020

Money Kumar @ Mani @ Tatti

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.K. Bhatti, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

Mr. J.S. Brar, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 45 dated 24.01.2020 registered under Sections 302, 34 IPC and later on added Section 120-B IPC and Sections 25 of the Arms Act, at Police Station Division No. 5, District Ludhiana.

Learned counsel for the petitioner states that no role has been attributed to the petitioner. As a matter of fact, the petitioner was indicted in the present case on the basis of the statement of one Shubam, recorded after

20 days of the occurrence wherein he stated that he had over-heard the co-accused and the petitioner talking about the location of deceased, at a tavern.

Learned counsel for the petitioner points out that the learned Magistrate has also noted in his order dated 12.02.2020 (Annexure P-2) that no police remand is required of all the accused as there is no clarification that accused Money Kumar @ Mani @ Tatti and Jatin Kumar had helped accused Sukhwinder Singh and Sumit Kumar at any stage. The petitioner has been in custody since 12.02.2020 and there is no other case against him. He was working as a Clerk-cum-Assistant of an Advocate in the District Courts, Ludhiana. The challan has been presented.

Copy of custody certificate by way of affidavit dated 15.09.2020 of Deputy Superintendent, Central Prison, Faridkot submitted by the learned State counsel through email is taken on record.

Learned State counsel assisted by the learned counsel for the complainant states that the petitioner had played an active role in the present case and that he is a member of a gang, which is operative in the local area and involved in the criminal activities. But they have not disputed the fact regarding the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been indicted in the present case on the statement of Shubam, which was recorded after 20 days of the occurrence and there is no other case against him. The petitioner has been in custody

since 12.02.2020 and the challan has been presented. The trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No