

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

Criminal Misc. No.M- 940 of 2021(O&M)

Date of Decision: January 14 , 2021.

Ravinder Kumar @ Sonu Gotta

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner seeks bail pending trial in FIR No.104 dated 20.06.2018, under Sections 307/34 IPC and Sections 25/27 of the Arms Act, registered at Police Station Division No.2, Ludhiana Commissionerate.

It is submitted that the petitioner has been falsely implicated in this case merely because of pendency of another criminal matter against him. The petitioner, it is contended was arrested on the basis of disclosure statement of co-

accused. It is submitted that FIR in this matter was registered against unknown persons. Then one Sidhant Sehgal, who was arrested in FIR No.167 dated 22.09.2019 under Section 25 of the Arms, is stated to have disclosed the name of the present petitioner as an accused in the present proceedings. Present petitioner at that time, it is submitted, stood arrested in FIR No.196 dated 22.09.2019 under Sections 307/34/120B IPC and Section 25 of the Arms Act. It in this manner that the petitioner is sought to be implicated in present FIR. Learned counsel further submits that the weapon allegedly recovered from the petitioner is not proved to be used in the incident in question as per the FSL report. Learned counsel further refers to the medical evidence to submit that even injuries on the complainant are simple in nature, though alleged to be with firearm. Identity of the petitioner as an accused in this case, it is submitted, is clearly suspect. Petitioner was arrested in this case on 05.10.2019. Challan in this case, it is further submitted, stands presented, however, no progress is being made in the trial at this stage. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State verifies that as per the FSL report, cartridges recovered do not match with the weapon recovered from the petitioner. It is further not denied that petitioner is sought to be inculpated in the present matter on the basis of disclosure statement of the co-accused and alleged confessional statement of the petitioner himself. Learned counsel for the State further verifies that challan/final report under Section 173 Cr.P.C. stands

presented on 21.12.2019.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade witnesses from deposing true facts before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioner be released on bail pending trial, subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 14 , 2021.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No