

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225/4

CRM-M-10722-2021

DATE OF DECISION: 27.10.2021

ABDUL GANI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parteek Pandit, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.43 dated 20.05.2018, under Sections 364, 365, 302, 201 and 120-B IPC (Sections 25, 27 of the Arms Act, 1959 added later on), registered at Police Station Tarsikka, District Amritsar (Rural).

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein 5 accused have been specifically named as the persons who had kidnapped son of the complainant whose body could not be recovered. He further contends that motive with regard to kidnapping and disappearance of the son of the complainant is attributed to Gama as the deceased had married the daughter-in-law of Gama after the death of his son. He also contends that the petitioner has been arraigned as an accused on the supplementary statement of the complainant recorded on the next date. He also contends that the case is based on circumstantial evidence and the petitioner has been arraigned as an accused merely on suspicion. The co-accused Gama had expired while he was in custody. He also contends that the co-accused Jahura @ Hajura in CRM-M-15992-2019 and Yakub Khan @ Yuba in CRM-M-23717-2019 have been granted regular bail by this court on 06.11.2019. The petitioner is in custody for over 2 years and 9 months.

Learned State counsel, upon instructions from ASI Gurwail Singh, contends that the petitioner is in custody for over 2 years and 9 months.

He further contends that 8 out of 55 prosecution witnesses have been examined. He also contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail. However, he is not in a position to controvert the submission of the learned counsel for the petitioner that no recovery has been effected from the petitioner.

Heard.

In view of the above, especially when the petitioner is not named in the FIR wherein 5 co-accused have been named, the petitioner is in custody for over 2 years and 9 months, no motive is attributed to him, the case is based on circumstantial evidence, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

27.10.2021

SwarnjitS

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