

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-22667-2021 (O&M)
Date of Decision:-29.6.2021

Rajveer Singh @ Bunty

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anantdeep Singh Sandhu, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jagdish Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.220 dated 7.7.2018 at Police Station Dakha, District Ludhiana under Sections 459, 460, 380 of Indian Penal Code, wherein offences under Sections 302, 411 and 120-B IPC were added later on.
2. The FIR was lodged at the instance of Ram Kali wherein it is alleged that on 6.7.2018 she along with her daughter-in-law Sangeeta Devi and her two children went to sleep after having meals at about 10:00 p.m. Vinod Babban slept on a cot outside the room. It is alleged that at about 1:30/2:00 o'clock

they heard shrieks of Vinod Babban, who was sleeping outside. They woke up upon hearing the noise but did not move out as the door was bolted. When they went out, the complainant's daughter-in-law started taking care of Vinod Babban, who was lying on the cot and was having injuries on his head from where blood was oozing. In the meantime, three clean shaven persons were seen near the road and they came towards the complainant. Out of the said three one of the person was named as Boria, whom the complainant knew as he had been coming to their house since the last two days and had been asking about her son Sudhir. One of the said three persons was carrying an iron rod while two were carrying sticks. They started giving beatings to the complainant and to her daughter-in-law and demanded money and gold. It is alleged that Boria gave a blow with iron rod on the head of complainant's daughter-in-law Sangeeta Devi and the other accused also gave blows with stick on the complainant's head. Boria is alleged to have taken away gold earrings weighing 2 grams from her daughter-in-law Sangeeta Devi and also her silver anklets and a gold chain from the purse lying on the fridge. Upon hearing alarm Shambhu Gujjar was attracted to the spot and who got them admitted in hospital but Sangeeta Devi succumbed to her injuries.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement made by co-accused Mandar Singh, the veracity and admissibility of which would be debatable particularly when there is no other convincing evidence to establish the complicity of the petitioner. Learned counsel has further submitted that since an identically situated co-accused Sandeep Singh @ Khosa has already been granted bail vide order dated

6.1.2021 (Annexure P-3), the present petitioner also deserves the same concession on grounds of parity.

4. Opposing the petition, learned State counsel has submitted that in view of the serious nature of crime, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 11 months and that the petitioner is not involved in any other case. It has further been informed that till date none out of the cited 17 PWs has been examined.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars since the substantial period of 2 years and 11 months and that conclusion of trial is likely to consume time as none out of the cited 17 PWs has been examined till date and also keeping in view the fact that a co-accused has already been released on bail, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.6.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No