

CRM-M-25322-2021 (O&M).

THROUGH VIDEO CONFERENCE

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

**CRM-M-25322-2021 (O&M).
Decided on: August 9, 2021.**

Kuldeep Singh

.. Petitioner

VERSUS

U.T. Chandigarh

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Nandan Jindal, Advocate,
for the petitioner.**

Mr.Prateek Gupta, APP for U.T. Chandigarh

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.197 dated 12.10.2021, under Sections 307, 120-B IPC and under Section 25/27/54/59 of the Arms Act, 1959, registered at Police Station Sector 34, Chandigarh.

The learned counsel for the petitioner has submitted that it is a case where the petitioner has been nominated on the basis of disclosure statement made by co-accused Monty Shah and even as per the prosecution the petitioner was not present at the spot and the only allegation

CRM-M-25322-2021 (O&M).

against the petitioner was that he had conspired and supplied car and other material to the other main accused who have been named as Monty Shah, Vinay Kalyan and Mohit Kumar. He has further submitted that the aforesaid Vinay Kalyan and Mohit Kumar who as per the prosecution were present along with Monty Shah have been enlarged on bail by the learned Sessions Court vide order dated 24.12.2020 (Annexure P-4). He has further submitted that the present petitioner is in custody since 10.05.2021 and the challan in the present case has also been presented on 05.07.2021. He has further submitted that no recovery is to be made from the petitioner and the trial of the case would take some time and the petitioner is not involved in any other case and therefore, he may be considered for grant of regular bail.

On the other hand, learned State counsel has submitted that an affidavit has been filed by the Deputy Superintendent of Police, Crime Branch (CPS), Chandigarh. He has submitted that in para No.4 of the reply, it has been stated that Monty Shah was arrested on 17.05.2020 which was an inadvertent typographical mistake and in fact, he was arrested on 07.05.2021 and on the statement of Monty Shah the present petitioner Kuldeep Singh was arrested. He has not denied the submission made by the learned counsel for the petitioner that the only role attributable to the petitioner was that he had conspired and that he was not present at the spot and also that it was a case of no injury to anybody. The custody period of the petitioner is also not in dispute. So far as the medical status of the petitioner is concerned, it has been stated in the affidavit that the kidneys of the petitioner have already been transplanted at the Max Hospital.

CRM-M-25322-2021 (O&M).

I have heard the learned counsel for the parties.

The petitioner is in custody since 10.05.2021 and his name has been nominated on the basis of disclosure statement of the co-accused. As per the prosecution itself the petitioner was not present at the spot and the alleged role attributable to the petitioner was that he had conspired and supplied some material to the other co-accused. The petitioner is also not involved in any other case. The investigation of the case is already complete and challan stands presented. Furthermore, as per the affidavit there is no apprehension expressed by the State that in case the petitioner is released on bail then he may influence any witness or may tamper with the evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

August 9, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No