

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-32777-2021

Date of decision:- 19.08.2021

Karan Kumar @ Kancha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.111 dated 17.06.2020 under Sections 307, 379-B, 324, 323, 34, 326, 332, 333 and 427 of the Indian Penal Code, 1860 (Sections 341 and 201 of IPC were added later on), registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1).

As per the prosecution case, FIR (Annexure P-1) came to be registered on the statement of Jagsir Singh, who was working as Home Guard, on the allegation that on 17.06.2020, at about 01:30 A.M., when he was returning home from his duty, he was waylaid by three unknown persons, who had their faces covered. They hit him with kappa and baseball bat, snatched his purse containing cash of Rs.8,000/-, identity card, some documents, two rings and a mobile phone.

Counsel for the petitioner submits that the first petition (CRM-M-35020-2020) seeking grant of bail was withdrawn on 28.07.2021 with liberty to file a fresh one with better particulars. Counsel urges that a false case has been foisted upon the petitioner on the basis of the supplementary statement of the complainant, which was recorded four days later. He urges that neither the petitioner was named in the FIR nor was he present at the spot. It is his argument that the supplementary statement of the complainant, who is associated with the police force, is an after thought to deliberately frame the petitioner.

Counsel for the petitioner further submits that the petitioner has been named as an accused in another case bearing FIR No.98 dated 19.07.2019 registered under Section 379-B/411 IPC at Police Station City, Sri Muktsar Sahib in which he has been released on regular bail by the trial Court. He asserts that investigation is complete, challan has been presented, charges have been framed and the prosecution evidence is underway and the petitioner, who is in custody since 24.06.2020, deserves to be released on bail. He has placed reliance upon orders dated 18.03.2021 passed in CRM-M-11509-2021 titled as Angrej Singh @ Ginnu versus State of Punjab and 28.07.2021 passed in CRM-M-35020-2020 titled as Karan Kumar @ Kancha versus State of Punjab, to submit that co-accused have been released on bail by this Court.

Opposing the petition, learned State counsel, upon instructions from ASI Kulwant Singh submits that the petitioner was armed with a Kappa, which has been recovered from him, and he caused an injury on the

complainant, which has attracted offence under Section 307 IPC. He has instructions to state that the petitioner is visible along with other two co-accused in the CCTV footage when they went to Civil Hospital, Muktsar for his treatment, as the petitioner had received an injury from a co-accused in the incident. Upon further instructions, he submits that the challan has been presented on 19.09.2020, charge has been framed on 19.01.2021 and the testimony of the complainant has been recorded.

Having considered the facts and circumstances of the case, this Court is of the opinion that the involvement of the petitioner in the crime is debatable and the petitioner, who is in custody for the last more than one year and two months, would be entitled to be released on bail.

Without commenting upon the merits and de-merits of the arguments addressed by the counsel for the parties, the petition is allowed and the petitioner, namely, Karan Kumar @ Kancha, is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

19.08.2021

*Kamal***(SUVIR SEHGAL)****JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No