

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209 (3 cases)

CRM- M- 33387 of 2020(O&M)

Date of Decision: 19.02.2021

Sahil alias Goru

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-34641-2020

Renu @ Sonia

...Petitioner

Vs.

State of Punjab

...Respondent

CRM-M-36588-2020

Angrej Singh @ Geji

...Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner (in CRM-M-33387-2020).

Mr. Dilpreet Singh Gandhi, Advocate,
for the petitioner (in CRM-M-34641-2020).

Mr. A.P.S. Sandhu, Advocate,
for the petitioner (in CRM-M-36588-2020).

Mr. Prabhjot Singh Walia, A.A.G., Punjab.

Amol Rattan Singh, J. (Oral)

Cases heard via video conferencing.

These petitions have been filed under the provisions of Section
439 of the Cr.P.C., seeking 'regular bail' for the petitioners in case FIR no.

147 dated 07.06.2020, registered at Police Station Gate Hakima, District Amritsar (City), for the alleged commission of offences punishable under Sections 302, 452, 336, 506, 148 and 149 of the IPC and Section 25 of the Arms Act, 1959 (with Section 216 read with Section 120-B of the IPC having been added later).

CRM-M-33387 and 36588 of 2020

Learned counsel appearing for the petitioners in these two petitions submit that the petitioners are not differently placed to their co-accused Manjit Singh alias Tinku, who was admitted to bail by this court (co-ordinate Bench) vide an order dated 30.10.2020, passed in CRM-M-31349-2020 (copy Annexure P-3 with CRM-M-36588-2020).

A perusal of that orders shows that Manjit Singh @ Tinku was admitted to bail on the ground that he was alleged to be only present at the spot, with him not having been named in the FIR and the prime accused in the FIR being Shambu and Chandan.

Learned State counsel however submits that though it is stated in the aforesaid order that the motorcycle was recovered from co-accused Harwinder Hans (who was also admitted to bail on 08.09.2020 upon him having filed CRM-M-25534 of 2020), however, the recovery of the motorcycle alleged to have been used in the crime was actually made from another co-accused, Deepak Kumar @ Deepu.

The petitioner in CRM-M-36588 of 2020 (Angrej Singh @ Geji) is stated to have been in custody since 01.08.2020, with the report under Section 173 (2) of the Cr.P.C. having been submitted to the competent court though with the case still not committed to the court of Sessions.

In the case of petitioner Sahli alias Goru, i.e. the petitioner in CRM-M-33387-2020, he is stated to have been in custody since 07.08.2020.

Upon query to learned State counsel, he submits that as far as petitioner Sahil is concerned, the recovery of the pistol allegedly used in the occurrence was made from him, though as regards petitioner Angrej Singh, he would be similarly placed as Manjit Singh @ Tinku.

That being so, without making any comment on the actual merits of the case, as regards the petitioner in CRM-M-36588-2020, i.e. Angrej Singh @ Geji, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, as regards the petitioner in CRM-M-33387-2020, i.e. Sahil alias Goru, I am not inclined to entertain this petition at this stage, as learned State counsel submits that the recovery of the pistol allegedly used in the occurrence was made from him.

However, learned counsel for the petitioner has argued that the recovery of the pistol was actually planted upon him.

In view of the above and the fact that the charge has still not been framed as yet, adjourned to 27.04.2021.

CRM-M-34641-2020

As regards the petitioner in this petition, i.e. Renu @ Sonia, she is stated to be a person on account of whom the murder is alleged to have taken place (with the allegation being that she was an illicit relationship with the two prime accused).

Mr. Gandhi, learned counsel for the petitioner, submits that

though she is the possible cause of the murder (as per the allegation), nowhere in the FIR is she stated to be present at the spot, though it has been stated that it was at her suggestion that the murder took place.

Learned State counsel, on the other hand, submits that as per an eye witness she was also present at the spot; to which Mr. Gandhi counters to say that if that was so, she being a close relative of the complainant, he would have said so at the first instance itself in the FIR, especially as he named the two prime accused and also stated that there were four other unidentified boys.

Mr. Gandhi next submits that she has two daughters, 07 years and 2½ years old, and she having been in custody since 07.06.2020, she deserves to be admitted to bail.

Without making any comment on the actual merits of what has been contended, keeping in view the stage of the trial and the fact that she is stated to have two minor children, the petition is allowed. The petitioner shall be admitted to bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

A photocopy of this order be placed on the files of the other connected cases.

19.02.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No