

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

CRM-M-37702-2020

Date of decision:20.09.2021

Jatin Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.P.S. Chakkal, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. J.S. Brar, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.45 dated 24.01.2020 registered under Sections 302, 120-B, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Division No. 5, District Ludhiana.

Learned counsel for the petitioner states that no role has been attributed to the petitioner. The Present FIR has been registered on the statement of Kamaljit alias Kapli-complainant, brother of Harjinder Pal (since deceased). As a matter of fact, the petitioner was indicted in the present case on the basis of the statement of one Shubam, recorded after 20 days of the occurrence wherein he stated that he had over-heard the co-accused and the petitioner hatching conspiracy of murder of Harjinder Pal (since deceased) at a tavern. The present petitioner was not named in the FIR, only two co-accused were named in the FIR, who have already

Tatti, has already been granted regular bail by this Court vide order dated 16.09.2020 (Annexure P-3). The petitioner has been in custody since 11.02.2020. The challan stands presented.

Learned State counsel assisted by the learned counsel for the complainant states that the petitioner had played an active role in the present case and that he is a member of a gang, which is operative in the local area and involved in the criminal activities. But they have not disputed the fact regarding the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been indicted in the present case on the statement of Shubam, which was recorded after 20 days of the occurrence. The petitioner has been in custody since 11.02.2020 and the challan has been presented. The trial will take time to conclude and no useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.09.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No