

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104/2)
1)

Date of Decision: 24.03.2021
CRM-M-39058 of 2020

Sukhdeep @ Sukh @ Deep

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

2)

CRM-M-39612 of 2020

Mahender alias Gangajal

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Tanu Bedi, Advocate, for the petitioner
in both the petitions.
Mr. Sumeet Goel, Retainer Counsel, for the CBI.

Amol Rattan Singh, J. (Oral)

Cases heard by way of video conferencing.

By these two petitions, the petitioners seek to be admitted to 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.RCCHG0012018S0005, dated 15.10.2018, having been registered at Police Station CBI SCB, Chandigarh, alleging therein the commission of offences punishable under the provisions of Section 25 of the Arms Act, and Sections 302/34 of the IPC (which was originally registered at Police Station District Sirsa as FIR no.15 dated 12.01.2017, under Sections 148, 149, 302, 307, 120-B, 212, 506 of the IPC and Sections 25/54 of the Arms Act, 1959).

The allegations in the FIR are to the effect that two gunmen came and gunned down two persons in the presence of the complainant, with

the complainant not knowing their names, but their appearance having been described therein.

Coming to the individuals in these two cases, the petitioner in CRM-M-39048 of 2020, i.e. Sukhdeep @ Sukh @ Deep , learned counsel for the petitioner submits that he has been in custody for about 4 years and 2 months, with even the charge not framed so far and there being 129 prosecution witnesses still to be examined.

She further submits that the only allegation against him is that he was a conspirator in the crime, though not one of the two shooters who actually shot the two deceased.

Last, she submits that though there was another criminal case registered against him, as per the custody certificate detailed in the reply of the CBI, he was shown to have been acquitted in that case.

Mr. Goel, learned Retainer Counsel for the CBI, obviously could not deny the factual position as aforesaid, but has submitted that he being a conspirator in a double murder and also having been accused in another similar case alleging therein the commission of an offence punishable under Section 302 of the IPC, though acquitted therein, he does not deserve to be admitted to bail.

Having considered the matter, since it is not denied that the petitioner was not one of the two gunmen actually involved and he was also acquitted of the charges in a similar offence that he was earlier charged with, and has been in custody for more than 4 years with the stage of the trial being as it is described hereinabove, without making any comment on the

actual merits of the case, this petition is allowed, with the petitioner (Sukhdeep @ Sukh @ Deep) ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

As regards the petitioner in CRM-M-39612 of 2020, Mahender alias Gangajal, learned counsel for the petitioner submits that the other circumstances qua him are also the same, i.e. he is alleged to be a conspirator and has put in more than 4 years in custody; however, as per the reply filed by the CBI, he was accused of various crimes in nine cases, with him having been acquitted in three cases, convicted in three cases for the commission of offences punishable under the provisions of Sections 109 of the Cr.P.C., Section 61 of the Excise Act, and Sections 17 and 18 of the NDPS Act, 1985. He is also still undergoing trial in the context of cases alleging the commission of offences punishable under Sections 307 etc. of the IPC, Section 25 of the Arms Act, (separately) and Sections 323 and 506 of the IPC.

Hence, looking at the antecedents of the petitioner in this petition, without making any comment on the actual merits of the case, even looking at his long period of custody, I do not think it is a fit case where he can be admitted to bail.

Consequently, this petition is hereby dismissed.

Naturally, the trial court would attempt to conclude the trial as early as possible, looking at the period of the custody of the petitioner.

A copy of this order be placed on the file of the other connected matter too.

24.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No