

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40084 of 2020
Date of decision:19.01.2021

Vishal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anil Chawla, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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

The petitioner is seeking regular bail in case FIR No.14 dated 09.02.2019 registered under Sections 307/323/341/148/149 of Indian Penal Code, 1860 and Sections 25/27 of Arms Act, 1959 (Sections 54 and 59 of Arms Act, 1959 have wrongly been mentioned in the petition) at Police Station G.R.P.Amritsar, District Govt. Rly Police.

Counsel for the petitioner has argued that the petitioner is not named in the FIR. According to him, the allegations of beating the complainant Gurinder Singh @ Sethi and Gagandeep Singh pertained to Gurminder Singh @ Rabu, who revealed the name of the petitioner and co-

accused, Kuldeep Singh, in his disclosure statement. Counsel urges that his disclosure statement, which has been recorded in police custody, is inadmissible in evidence. He has placed reliance upon the interim order dated 14.10.2020 (Annexure P-2) passed in CRM-M-26439 of 2020 whereby co-accused Kuldeep Singh has been granted the interim bail, which has been made absolute by a separate order of even date by this Court. Counsel asserts that the case of the petitioner is at par with co-accused, Kuldeep Singh. He submits that investigation is complete, the challan has been filed and the petitioner is no longer required for custodial interrogation.

Per contra, State counsel has opposed the petition, upon instructions from SI Kuldeep Singh. He submits that though the petitioner is not named in the FIR, he had accompanied the main accused Gurminder Singh and caused injuries to the complainant as well as his companion and recovery of baseball bat has also been effected from him. As per his instructions, the challan has been presented on 13.10.2020 and there are total 21 prosecution witnesses named in the challan, though the charge is yet to be framed.

I have considered the submissions of the parties.

The fact that the petitioner is not named in the FIR and he has been roped in on the basis of the disclosure statement of co-accused, makes his complicity in the crime debatable.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence and the fact that trial is likely to take time

to conclude, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing 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.

(SUVIR SEHGAL)
JUDGE

January 19, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes