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

CRM-M No.1742 of 2022 (O&M)

Date of decision: 05.04.2022

Puneet Kumar @ Puneet Bains @ Mani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Aulakh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.139 dated 09.06.2020, for offence punishable under Sections 307, 506, 294, 148, 149, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), Sections 25/27 of the Arms Act, registered at Police Station Division No.3, Ludhiana, District Ludhiana.

Counsel for the petitioner has relied upon the order dated 04.05.2021 passed in CRM-M No.40585 of 2020, order dated 27.10.2021 passed in CRM-M No.21537 and 37139 of 2020, order dated 10.09.2020 passed in CRM-M No.20037 of 2020, order dated 26.11.2021 passed in CRM-M No.16525 of 2021 and order dated 04.10.2021 passed in CRM-M No.32001 of 2020, vide which the co-accused of the petitioner have been granted the concession of regular bail. The operative part of the order dated 26.11.2021 passed in CRM-

M No.16525 of 2021, reads as under:-

“Briefly stated facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Raj Kumar son of Late Kuldip Raj, resident of House No. 5063, Street No.5, Mohalla Dharampur Jatta Wali Street, Ludhiana, Police Station Division No.3 Ludhiana, who in the statement made by him to the police stated that on the fateful day i.e. 9.6.2020, he alongwith his family members was sleeping in his house and main gate of the house was locked. His sister namely, Sunita Sharma @ Reeta w/o Varinder Singh, alongwith her family has been living on the first floor of the house for the last about 25 years. At about 1.25 a.m., some unknown persons on the motorcycles came in front of the house and started abusing Rishab Benipal @ Nanu, nephew of the complainant. Such persons were armed with weapons and they fired gunshots on them with an intention to kill them, while they were asleep. One gunshot crossed over them and hit wall of the room, whereas other gunshot crossed over the main gate of the house and fell in the room. However, fortunately no member of the family was hurt. Sunita Sharma @ Reeta had gone to terrace of the first floor and had observed that there were two persons on one motorcycle, whereas one person on other motorcycle, who were firing gunshots and abusing Nanu in his name. Thereafter, they left the spot giving threats to kill the complainant and his family members. When the CCTV footage from such camera installed in the neighbourhood was checked, they found five persons on two motorcycles. The complainant said that they could recognize them if they were brought before them. After registration of the FIR, the investigation in the case started. Simranjot Singh, Ajay Kumar and Krishna Sahni @ Laddo, were nominated.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has further argued that the petitioner is in custody for the last 01 year, 06 months and 16 days and he is on bail in other cases as reflected in the Custody Certificate. It is also argued that as per the allegations in the FIR, the petitioner was named in the FIR, however, during the investigation, as per the CCTV footage, one of the co-accused Neeraj was found present at the spot.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 06 months and 16 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

05.04.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No