

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3344-2022 (O & M)

Date of decision: 01.02.2022

Deep Kumar

..... Petitioner

V/s

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.86 dated 04.08.2021 under Sections 307, 379-B(2), 120-B, 379, 411, 201, 34, 148 and 149 IPC and under Section 25 of the Arms Act, 1959 registered at Police Station Bholath, District Kapurthala, Punjab.

As per the allegations in the FIR six persons unnamed came to the shop of the complainant and one of them fired at the complainant injuring him.

Initially, Gurpreet Singh alias Gopi and Deepak alias Jaggi were arrested and they suffered their disclosure statement where the name of the petitioner did not figure. The first supplementary statement of the complaint was recorded on 09.08.2021 where the name of the petitioner does not figure. In the second supplementary statement of the complainant on 02.09.2021, the name of the petitioner figures but no specific injury has been attributed to him.

On a query, learned counsel for the petitioner based on the report under Section 173(2) Cr.P.C. states that the injured Kuldeep Singh has received injuries at the hands of Yuvraj @ Jass alone, who is absconding.

Learned counsel for the State, on the other hand, states that a very serious offence has been committed by the petitioner and his

co-accused and as only three of the accused have been arrested till date, the petitioner ought not to be granted bail. He, however, does not dispute the fact that only Yuvraj @ Jass had fired at Kuldeep and that no injury was attributed to the petitioner.

I have heard the rival contentions of both the parties.

Admittedly, the petitioner is in custody since 04.09.2021. He is not named in the FIR nor in the disclosure statement of the arrested accused or in the first supplementary statement. Even in the second supplementary statement, no specific role has been attributed to the petitioner. Therefore, the identification of the petitioner would be a moot point during the course of trial. The challan has been submitted and a report under Section 173 Cr.P.C. was submitted on 02.11.2021 against the arrested accused in which 20 witnesses are cited.

In this view of the matter, this Court is of the opinion that as the conclusion of trial is likely to consume considerable time, the further detention of the petitioner is not warranted. Moreso, when no injury is attributed to the petitioner.

Resultantly, without meaning to express any opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner-Deep Kumar be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Kapurthala.

(JASJIT SINGH BEDI)
JUDGE

February 01, 2022
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No