

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

CRM-M-5031-2022

Date of decision : 24.05.2022

**Kuldeep Singh @ Deepa
Vs.**

....Petitioner

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Monita Mehta, Advocate for the applicant-petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.250 dated 31.10.2020 registered under Sections 307, 336, 323, 148 and 149 Indian Penal Code, 1860 and Sections 25, 27-54-59 Arms Act, 1959 (Section 34 IPC and Section 30 Arms Act, 1959 added later on and Section 25 Arms Act and Sections 336, 148 and 149 IPC were deleted) at Police Station Model Town, District Hoshiarpur, who is in custody since his arrest on 10.12.2020.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Hoshiarpur in the order dated 16.04.2021 are as under:-

“As per record, present case was registered on the basis of statement made by complainant Karan Kumar with the allegations that on 30.10.2020, after receipt of information regarding attack upon his brother Anoop Kumar @ Vicky and his friend Deepak Kumar and sustaining of head injury by his brother Anoop Kumar @ Vicky, he along with his brother Ajay Kumar, reached the spot on the motorcycle and in the light of motorcycle,

he found that there were 7/8 persons standing there and he only identified Raja son of Surjit Kumar and his servant Manoj Kumar. Upon seeing them, Raja raised lalkara for not sparing them. Upon this, out of said persons, one person fired shots from his pistol towards them and two fires hit on his shoulders. He was got admitted in Civil Hospital, Hoshiarpur from where due to his serious condition, he was referred to IVY Hospital, Hoshiarpur and then he was referred to NHS Hospital, Jalandhar for treatment.”

Learned counsel for the petitioner has argued that in the alleged occurrence both sides had suffered injuries and complainant-Karan Kumar along with others is an accused in a cross case registered at the instance of Onkar Lal @ Raja (co-accused of the petitioner). She submits though the pre arrest bail filed by Karan Kumar stands dismissed, but till date he is yet to be arrested. Learned counsel has further argued that the other co-accused of the petitioner, namely, Onkar Lal and Manoj Kumar have already been released on regular bail, therefore, further custody of the petitioner may not be necessary. She prays for bail.

On the other hand, learned State counsel assisted by ASI Hansraj while opposing the prayer has argued that the victim suffered gunshot injuries, however, it is not disputed that cross case No.31 dated 03.11.2020 under Sections 324, 148, 149 IPC (Section 326 IPC added later on) was also registered against Karan Kumar and others. According to learned State counsel, co-accused of the petitioner have already been released on bail, but he does not dispute that complainant-Karan Kumar is yet to be apprehended. He further submits that investigation of the case is complete, and charges were framed on 28.03.2022, however, no

prosecution witness has been examined so far out of total 21 witnesses.

After hearing learned counsel for the parties, considering the above background, petitioner's custody and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 10.12.2020. Apart from it, the material witnesses are either complainant/injured or police official and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

24.05.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No