

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9983-2022

Date of decision : 4.4.2022

Tinku Kumar

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kunal Kapoor, Advocate
for petitioner.

Mr. R.S. Khaira, AAG Punjab.

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 71 dated 19.6.2021 registered under Sections 302, 34, 120 B IPC and under Sections 25, 27 of Arms Act at Police Station Begowal, District Kapurthala, Punjab.

FIR was registered on the complaint of one Ashok Kumar who stated that on 18.6.2021 at about 9.00 pm, Mangal Singh and Daljit Singh alias Shera, friends of his son Mukal came to his residence to inquire about Mukal. The complainant informed them that Mukal had gone to playground. Thereafter, Mangal Singh and Daljit Singh alias Shera went to playground on their Activa scooter. Their friend Lovely was also with them. The complainant followed them to playground alongwith Shamsher Singh. He heard the noise of firing coming from the side of Gurudwara Sahib. The complainant and his friend Shamsher Singh went there and found that people had gathered and his son Mukal was lying on the ground and saying that he had received a fire shot. Mukal was taken to private hospital at Begowal from where he was referred to Jalandhar but on the way, he succumbed to his injuries. The complainant stated that his son had died because of fire shots fired by Mangal Singh, Daljit Singh alias Shera and Lovely and they had done so at the instance of Prince. He stated that about 5 months

before the occurrence, a case has been registered against Mangal for recovery of contraband. Prince who was brother of Mangal suspected that Mangal had been implicated at the instance of Mukal. Prince had openly declared that he would teach a lesson to Mukal. The complainant stated that accused Mangal, Shera and Lovely had fired upon his son causing the death in conspiracy with Prince.

It is the case of prosecution that during investigation, one empty cartridge of 7.65 was recovered from place of occurrence. A scooter was also recovered. Daljit Singh alias Shera was apprehended and a pistol was recovered from him. It is alleged that Daljit Singh alias Shera in his disclosure stated that he had purchased cartridges from petitioner with which he had shot Mukal. It is stated that other accused namely Varinder Singh alias Mangal and Satvinder Singh alias Prince have yet not been arrested. The investigation qua Daljit Singh alias Shera and petitioner has been completed and challan has been filed.

Mr. Kapoor, learned counsel for petitioner has argued that petitioner has not been named in FIR. His name has cropped up in the disclosure statement of Daljit Singh alias Shera who stated that petitioner had sold 5 cartridges to Daljit Singh alias Shera. It is not the case of prosecution that Daljit Singh alias Shera while purchasing the cartridges had not told the petitioner that he intended to use them to fire at Mukal. He cannot be said to be party to the conspiracy to kill Mukal. Other than disclosure statement, there is nothing to connect the petitioner with crime. The petitioner is a young boy of 23 years. He has clean antecedents. He is in custody since 14.7.2021.

In view thereof, no useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Tinku Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

Nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(HARINDER SINGH SIDHU)
JUDGE

4.4.2022
sjks

Whether reasoned order : Yes / No
Whether reportable : Yes / No