

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

**CRM-M-11205-2022
Date of Decision: 12.05.2022**

Dr. Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Dadwal, Advocate for
Mr. K.K. Thakur, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0039, dated 22.03.2021 under Section 115 and 120-B of IPC, 1860, Sections 25 and 54 of Arms Act, 1959 and under Sections 17, 18, 18-B and 20 of Unlawful Activities Prevention Act, 1967 registered at Police Station Mehtiana, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that he had earlier also filed bail application before this Court vide CRM-M-24073-2021, which was dismissed as withdrawn on 02.11.2021 at that stage in view of the fact that charges were not framed at that point of time. He submitted that now charges have been framed but no prosecution witness has been examined and the petitioner is in custody from 02.04.2021, which is more than one year. He further submitted that the investigation of the case has been completed and no recovery has been effected from the petitioner and in fact, the petitioner has been falsely implicated. He submitted that it is a case where the petitioner, who is practicing Doctor of Homoeopathy in a village for the last 25 years has

petitioner has not been named and as per the allegations in the FIR, a number of accused persons who have been mentioned had conspired for the purpose of killing of one Bhupinder Singh @ Pappu by taking an amount of Rs.35,000/- and they were all inter connected with each other through Signal App. There was no allegation at all against the petitioner in the FIR. But thereafter one of the accused namely Kirpal Singh, had made a disclosure statement during the interrogation that the arms were supplied to one Sunil Masih @ Sam through the petitioner. He submitted that firstly, the said disclosure statement of the co-accused is not admissible in evidence and secondly, it is not the case where the petitioner had conspired with the other co-accused for the purpose of taking money for killing somebody nor the petitioner was part of Signal App but merely vague allegations have been made against the petitioner that arms were supplied through the petitioner and the petitioner is a practicing Doctor having good reputation and is not involved in any other case. Learned counsel for the petitioner further submitted that in view of the aforesaid position and considering the custody of the petitioner, the petitioner may be considered for the grant of concession of regular bail.

3. On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody from 02.04.2021 and the investigation of the case has been completed and charges have now been framed. He submitted that no recovery is to be effected from the petitioner nor it was effected earlier and the only role attributed to the petitioner was on the basis of the disclosure statement made by the co-accused that arms were supplied through him. Learned State counsel has also stated that the petitioner is not involved in any other case. He has however opposed the grant of bail to the petitioner on the ground that the offence was serious in nature.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody from 02.04.2021. As per learned counsel for parties, the petitioner has clean antecedents and he is not involved in any other case. He had earlier filed a bail application before this Court, which was dismissed as withdrawn at that stage since charges were not framed but now the charges have been framed and therefore, the successive bail application is maintainable. As per the prosecution story, the petitioner was not named in the FIR nor there is any allegation of conspiracy but the only allegation qua the petitioner is that one of the co-accused has made a disclosure statement that the arms were supplied through the petitioner.

6. On a specific query put to learned State counsel as to whether the petitioner was part of the Signal App or not, he has stated on instructions that the petitioner was not part of the Signal App. The trial of the case would take long time and it is not the case of the State that in case, the petitioner is released on bail, then he may abscond or he may influence any witness or he may tamper with any evidence.

7. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

8. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

May 12, 2022

Manpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No