

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

229

CRM-M-16237-2022

Date of Decision : July 28, 2022

Sunny Verma

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Vinod K.Kaushal, Advocate
for the petitioner

Mr.Davinder Bir Singh, DAG Punjab

JASGURPREET SINGH PURI . J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.184 dated 18.07.2021 under Sections 302,148 and 149 of the Indian Penal Code, read with Section 25 of the Arms Act (Sections 54 and 59 of the Arms Act added later on), registered at Police Station B Division, District Police Commissionerate Amritsar, Amritsar.

Learned counsel for the petitioner submitted that the petitioner is in custody since 18.07.2021 and the investigation of the case has been completed and thereafter the challan has been presented and the charges have been framed. He submitted that no witness has been examined till date. He has argued that the petitioner has been falsely implicated in the present case and even otherwise as per the FIR, no role was attributed to the petitioner and the deceased was killed by some other group of persons but

as per the allegations, the petitioner along with other person namely Balwinder Singh @ Golu had taken away the victim to a place where the other persons came and killed him.

On the other hand, Mr.Davinder Bir Singh, DAG Punjab, submitted that so far as the custody of the petitioner is concerned, the same is correct. He has submitted that the petitioner along with other co-accused Balwinder Singh @ Golu had come to the house of the deceased-victim and had taken away the victim to a particular place, which was pre-planned and a group of people came there and attacked the victim, who died. He submitted that it has come up in the affidavit itself that these two persons i.e.the petitioner and the other co-accused Balwinder Singh @ Golu had called the person who had shot with firearm, namely Ankur that we have brought this person to you and now you may take revenge. Therefore, a specific role has been attributed to the petitioner whereby he was a part of the conspiracy. He submitted that no witness has been examined till date and there is a likelihood that in case the petitioner is released on bail he may influence the witnesses or may abscond or flee from justice. He further submitted that the other co-accused who is similarly situated to the petitioner had also filed a petition i.e. CRM-M-20278 of 2022 which was dismissed on 18.05.2022.

I have heard learned counsel for the parties.

Although the petitioner is in custody since 18.07.2021, but as per learned counsel for the parties, no witness has been examined till date. The allegations in the present case are undoubtedly very serious and grave in nature. The arguments raised by learned counsel for the petitioner that he

did not participate in the actual action of killing will be of no help to the petitioner in view of the fact that as per the allegations and the contents of the FIR itself, the petitioner along with other co-accused had taken away the victim to a particular place in a pre-planned manner, whereby the other group of persons came and attacked the person who died. The apprehension expressed by learned State counsel that in case the petitioner is released on bail, he may influence the witnesses and may abscond cannot be ignored. In view of the aforesaid apprehension expressed by learned State counsel as well as the gravity and the magnitude of the offence, the petitioner does not deserve the concession of regular bail. Consequently, the petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the cases and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

28.07.2022

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Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No