

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17787-2022(O&M)

Date of decision : 23.08.2022

Arun Kumar @ Chottu

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Lalit Singla, Advocate and
Ms.Varsha Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-20473-2022

This is an application under Section 482 Cr.P.C. for placing on record the supplementary statement dated 23.04.2021, disclosure statement of accused Amarjit Singh alias Baba dated 29.05.2021 and final police report dated 15.07.2021 as Annexures P-5, P-6 and P-7.

The application is allowed. Annexures P-5, P-6 and P-7 are taken on record, subject to all just exceptions

CRM-M-17787-2022

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.86 dated 21.04.2021 registered under Sections 323, 325, 341, 34 IPC (Sections 302, 307, 201, 120-B IPC added later on) at Police Station Samana, District Patiala.

Learned counsel for the petitioner has submitted that the

petitioner has not been named in the FIR and as per Jaspreet Singh, complainant, he had witnessed the alleged occurrence which had taken place at 7:30 PM on 20.04.2021 and as per the same, initially three unnamed persons were stated to be involved. It is further submitted that it had been stated in the later portion of the FIR that *“now I have come to know that one of the people who gave beatings to my father last night, is Sohi Baba”*. It is further clear from the FIR that the said statement had been given on 21.04.2021 with respect to the incident that had allegedly taken place on 20.04.2021, after consulting his brother Lovepreet Singh. It is also submitted that the petitioner has been implicated on the basis of supplementary statement which has been recorded on 23.04.2021 (Annexure P-5) and as per the said statement it has been stated by the complainant Jaspreet Singh that since earlier he was nervous on the date of registration of the FIR, thus, he had forgotten to tell certain things, which he remembered now and in the said statement, he had stated that on 19.04.2021 i.e, prior to the present incident, Amarjit Singh (Sohi Baba), Rajinder Singh @ Chichu and the present petitioner had asked for the whereabouts of the father of the complainant. It is stated that although, with respect to the incident dated 19.04.2021, the name of the present petitioner has been mentioned but it has not even been mentioned in the said supplementary statement that on 21.04.2021, the three persons who had come in the black Verna car included the present petitioner. It is also submitted that said Jaspreet Singh has been examined as PW-1 and in his examination-in-chief he has not referred to the said supplementary statement dated 23.04.2021 on the basis of which the petitioner has been implicated. It is also submitted that no recovery has been effected from the

present petitioner and the petitioner has been in custody since 01.05.2021 (1 year and 3½ months approximately) and there are 28 witnesses, out of which only 2 witnesses have been examined and, thus, the trial is likely to take time and the petitioner is not involved in any other case. It is also submitted that Amarjit Singh, who, as per the prosecution case, has been stated to be Sohi Baba, has been granted regular bail by this Court vide order dated 08.04.2022 of this Court passed in CRM-M-9796-2022.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that apart from the allegation levelled against the petitioner in the supplementary statement dated 23.04.2021, there is also a disclosure statement of co-accused Amarjit Singh @ Sohi Baba implicating the present petitioner in the present case. It is further submitted that there is a CCTV footage showing that on 19.04.2021, the petitioner, along with other persons had chased the father of the complainant. The other facts, however, have not been disputed.

The petitioner has been in custody since 01.05.2021 (1 year and 3½ months approximately) and there are 28 witnesses out of which 2 witnesses have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The petitioner had not been named in the FIR and only one accused person known as Sohi Baba had been named. The petitioner is sought to be implicated on the basis of the supplementary statement dated 23.04.2021. A perusal of the said statement would prima facie show that although the petitioner and the other two accused have been specifically named with respect to the incident dated 19.04.2021 but they have not been specifically named and no allegation has been levelled against them with respect to the incident dated 21.04.2021. A

perusal of the statement of PW-1 Jaspreet Singh (Annexure P-2) shows that in his examination-in-chief, the said witness has not even referred to the supplementary statement dated 23.04.2021. There is no recovery effected from the present petitioner and the co-accused Amarjit Singh, who as per the prosecution case, is stated to be Sohi Baba, has already been granted regular bail by this court vide detailed order dated 08.04.2022 passed in CRM-M-9796-2022.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to his not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 23, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No