

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19281-2022 (O&M)
Date of decision: 13.05.2022

Shivam Kumar @ Shubham

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Virk, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.64 dated 03.04.2021 under Section 379-B (2) IPC (Sections 34 & 411 IPC were added later on), registered at Police Station Dehlon, District Ludhiana.

Learned counsel for the petitioner relies upon the order dated 22.02.2022 passed in CRM-M-6638-2022, vide which co-accused Bhajra Sapkota @ Sanju has been granted the concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioner relies upon the order dated 18.11.2021 passed in CRM-M-26326-2021, vide which co-accused

Shan Mohammad was granted the concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Harinder Singh, it is stated that he is having an arm licence and .12 bore double barrel gun was earlier endorsed on the said licence, however, later on, he got the said gun deleted from the licence and he purchased a .32 bore revolver after getting sanction from the competent authority. It is further stated that the said revolver was yet to be registered on the arm licence. On the date of incident i.e. 31.03.2021, the complainant along with his friend Dilpreet Singh @ Jyoti was going and he stopped his car for easing himself and in the meantime, six unidentified persons, having muffled faces, came on two motorcycle and kept a sword on the neck of the complainant and snatched his mobile phone and also snatched the aforesaid revolver.

Learned counsel further submits that the petitioner is a young boy aged about 19 years and he is not involved in any other case. It is also submitted that petitioner is in judicial custody for the last about 07 months and the investigation is complete.

Reply, by way of the affidavit of the Joint

Commissioner of Police (Rural), Ludhiana, is on record. As per reply, during investigation, the complainant was joined in investigation and co-accused Arjan Verma was arrested, who was identified by the complainant and thereafter, on the disclosure of said co-accused, the petitioner and other accused were nominated in this case.

Learned State counsel, on the basis of the aforesaid affidavit, has not disputed the factual position, however, it is submitted that the offence is serious but it is not disputed that no prosecution witness has been examined so far..”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that name of the petitioner surfaced on the basis of disclosure statement of co-accused Shivam Kumar. It is further submitted that the petitioner is first offender; he is in custody for the last 03 months and 05 days and is not involved in any other case.

Learned State counsel, on the basis of custody certificate dated 21.02.2022 filed in the Court today, has not disputed the factual position, however, it is submitted that challan has been presented...”

For the sake of brevity, facts are not reproduced again.

Learned counsel submits that the petitioner is aged about 19 years; he is first offender; he is in custody for the last 05 months and 25 days and he

was nominated in the FIR on the basis of disclosure statement of co-accused Shan Mohammed @ Shan Babu, who has already been acquitted by the trial Court vide judgment dated 25.02.2022.

Learned State counsel has filed the custody certificate in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

13.05.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No