

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25054-2021

Date of decision : 06.01.2022

Sushil Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

The petitioner has prayed for grant of pre-arrest bail in FIR No.0036 dated 09.03.2021 registered under Sections 307, 148 and 149 of IPC and Sections 25 & 27 of Arms Act at Police Station P.S. Model Town, Hoshiarpur, District Hoshiarpur.

On 02.07.2021, the following order was passed:-

“The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by one Manveer Singh. Learned counsel while referring to the contents of the FIR itself stated that the FIR was lodged on the basis of a complaint made by one Sukhwinder Singh @ Sabi that four persons on the motor cycle had fired shots at him with their pistols and thereafter when he was returning back to his village then one Verna car was following his vehicle and was roaming near his house in a suspicious manner and he has full belief that the crime was committed by Manveer Singh, Amandeep Singh @ Veeru, Pavitar Singh and Jaggi.

The reasons as given in the FIR were that there had been earlier disputes pending between them. Learned counsel further submitted that firstly, the allegations contained in the FIR itself are vague and the reasons for lodging the FIR were also vague while referring to some civil dispute which had happened in the past. So far as the present petitioner is concerned, he is not named in the FIR and the one other co-accused, Manveer Singh was arrested and he had allegedly stated the name of the petitioner and thereafter he was nominated. Learned counsel submitted that the disclosure statement cannot take away the right of freedom of the petitioner unless there is some strong material to connect the petitioner with the crime.

Notice of motion.

On the asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of the State and prays for some time to file reply.

Mr. Thind has submitted that in fact the name of the petitioner was not figuring in the FIR and he was nominated on the basis of the disclosure statement made by Manveer Singh. So far as the connectivity of the petitioner with the alleged crime is concerned, he may be granted some time to file affidavit in this regard.

Adjourned to 17.9.2021.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Today, learned State counsel on instructions from ASI Satnam Singh, has stated that pursuant to the order dated 02.07.2021, the petitioner has joined investigation and is no longer required for custodial interrogation.

In view of above, the interim order dated 02.07.2021 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

(PANKAJ JAIN)
JUDGE

06.01.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No