

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

CRM-M-23831-2022 (O&M)

Date of decision: 27.10.2022

Santokh Kumar @ Santosh Kumar @ Sonu @ Kakkri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. S. S. Goripuria, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.82 dated 01.04.2021 under Sections 302, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody for the last 01 year, 05 months and 08 days and out of total 31 prosecution witnesses, none has been examined so far and also on the ground that some of the co-accused have already been granted the concession of regular bail.

Learned counsel for the petitioner has relied upon order dated 29.06.2021 passed by this Court in CRM-M-24265-2021, vide which co-

accused Labh Singh has been granted the concession of anticipatory bail.

The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Parhlad Kumar @ Pappal, he is doing the business of property dealer and his younger brother is Sunny @ Talli. Coaccused Sunny Gill had leveled allegations against his brother Sunny @ Talli that he has molested his wife Sandhya. The matter was compromised on an earlier occasion. On 31.03.2021, again Surinder Kaur, maternal grandmother of Sunny Gill complained that his brother Sunny @ Talli is harassing their son. On 01.04.2021, Sunny Gill along with the petitioner, who is his maternal uncle, his brother Sonu Gill, Mohinder Singh and others came at the spot. Surinder Kaur (mother of the petitioner and maternal grandmother of Sunny Gill) raised a lalkara to teach them a lesson. Upon which, Sunny Gill fired shot with his pistol towards the complainant, but he escaped, however, bullet hit on the stomach of his mother Lata. Later on, the accused ran away. It is further submitted that maternal grandmother of main accused Sunny Gill, Surinder Kaur has already been granted the concession of anticipatory bail by the Coordinate Bench vide order dated 12.05.2021 passed in CRM-M-18688-2021, noticing the fact that she is an old-lady and is only attributed lalkara. It is also submitted that the petitioner is maternal uncle of Sunny Gill and except the allegations that he was present at the spot, there is no attribution of any active participation, as the deceased died of single gun shot fired by main accused Sunny Gill. It is further submitted that Sunny Gill as well as his wife Sandhya have been arrested and are in judicial custody.”

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

Learned counsel for the petitioner has placed on record a copy of the order dated 12.09.2022 passed in CRM-M-26835-2021, vide which co-accused Sandhya, who is the wife Sunny Gill and sister of the present petitioner, has been granted the concession of regular bail by the co-ordinate Bench and has also placed on record a copy of the order dated 12.09.2022 passed in CRM-M-51062-2022, vide which co-accused Sahib Singh @ Sonu Gill, who is also one of the family members, has been granted the concession of regular bail.

The affidavit of the SHO of the police station concerned is on record. As per affidavit, the petitioner and other accused were standing with the main accused Sunny Gill. It is further stated that on seeing the complainant, Surinder Kaur and Sandhya exhorted to catch them and teach them a lesson for having altercation with them. Thereafter, Sunny Gill fired gunshot from his pistol with an intention to kill the complainant but the complainant saved himself, however, gunshot hit in the stomach of complainant's mother Lata, who died. However, learned State counsel has not disputed the fact that the petitioner is in judicial custody for the last more than 01 year and 05 months and out of total 31 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in long judicial custody; some of the co-accused have already been granted the concession of anticipatory/regular bail and also in view of the fact that conclusion of trial may take a long time

as out of total 31 prosecution witnesses, none has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

27.10.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No