

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

CRM-M-38225-2021 (O&M)

Date of decision: 13.01.2022

Darpan Kumar Singla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ishan Gupta, Advocate for the petitioner.

Mr. H. S. Sitta, AAG Punjab.

Mr. J.S. Brar, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.45 dated 24.01.2020, registered at Police Station Division No.5, District Ludhiana, under Sections 302, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

Status report by way of affidavit dated 12.01.2022 of the SI/SHO, Police Station Division No. 5, Ludhiana, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the basis of the statement of one Shubham, recorded after 20 days of the alleged occurrence, with the allegations that the petitioner had arranged a room near Jalandhar Bypass where the other accused had taken a shelter. There are three other cases pending or registered against the petitioner wherein the petitioner was

not named and rather was indicted on the disclosure statements and thereafter, had been produced through production warrants. In other cases, the petitioner is on bail. Challan stands presented and the petitioner has been in custody since 19.12.2020. Co-accused, Jatin Kumar, has already been granted regular bail by this Court vide order dated 20.09.2021 and the petitioner seeks parity with him.

Learned State counsel assisted by the learned counsel for the complainant, while vehemently opposing the prayer for bail, submits that the petitioner have actively participated in the crime along with other accused. However, he does not dispute the custody period of the petitioner. He submits that the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 19.12.2020. The prosecution witnesses are yet to be examined, therefore, the conclusion of the trial would taken a long time. Moreover, similarly placed co-accused is on regular bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

13.01.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No