

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208) CRM -M-43919-2021
Date of Decision : February 10, 2022

Haripal Singh .. Petitioner

Versus

State of Punjab .. Respondent

(108+208-A) CRM-4527-2022 in/and
CRM-M-50257-2021

Karamjit Singh @ Kamma .. Petitioner

Versus

State of Punjab .. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Satinder Kaur, Advocate, for the petitioner,
(in CRM-M-43919-2021).

Mr. Parampreet Singh Brar, Advocate, for the petitioner,
(in CRM-M-50257-2021).

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-4527-2022 in CRM-M-50257-2021

Present application has been filed for placing on record the
copy of enquiry report dated 18.01.2022 as Annexure P-5.

Keeping in view the averments made in the application, the same is allowed and Annexure P-5 is permitted to be taken on record.

CRM -M -43919-2021 and CRM-M-50257-2021

By this common order, two petitions, the details of which have been given in the heading of the order, are being decided, as these petitions arise out of the same FIR involving same incident.

Present petitions have been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioners in respect of FIR No.409 dated 12.11.2020 registered under Sections 307, 427, 148, 149 and 120-B of the IPC, 1860 and Sections 25, 27,54 and 59 of the Arms Act, 1959 at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner (in CRM-M-43919-2021) submits that the petitioner was not named in the FIR but has only been found involved in the said case during the investigation with the allegation that he was driving the car in which, the co-accused fled after committing the crime. Learned counsel further submits that the car does not belong to the petitioner and owner of the said car namely Manpreet Singh has already been granted the concession of regular bail and therefore, as the investigation is already over and the allegations alleged against the petitioner are yet to be proved during the trial and the the trial is likely to take some time before it concludes, the petitioner may kindly be extended the concession of regular bail especially in view of the fact that no weapon or injury has been attributed to him as the petitioner has only been involved on the basis of Section 120-B of the IPC.

Learned counsel for the petitioner (in CRM-M-50257-2021)

submits that the petitioner has been involved only on the basis of his disclosure statement in FIR No.39 dated 22.05.2021 registered under Section 25 of the Arms Act at Police Station Sadiq, which relates to recovery of illegal firearms, to the effect that firearm recovered in the said FIR were used by the assailant in the present case. Learned counsel further submits that in the said FIR, the petitioner has already been extended the concession of regular bail and the allegation that the weapon/firearm recovered from the petitioner in the said case was used by the other co-accused in the present case, carries no weight and are in-fact false for the reason that the empty shells of firearm being used in the present case caliber of 9 mm which were recovered from the site whereas, the firearm recovered from the petitioner in FIR No.39 dated 22.05.2021 were not of the said caliber so as to co-relate both. Learned counsel further submits that the petitioner has only been roped in the present case on the basis of Section 120-B of the IPC and once, the investigation is already over and the trial is likely to take some time before it concludes and the allegations alleged against the petitioner are yet to be proved during the trial, the petitioner may kindly be extended the benefit of regular bail especially when, concededly the petitioner did not participate in the incident where the victim has received injuries and as no weapon or the injury has been attributed to the said petitioner.

Learned State counsel submits that in the present case, two victims have received injuries namely Rajat and one of his friend namely Amit Kumar and the allegations of inflicting injuries were alleged against four accused. Learned State counsel concedes the factum that the petitioners

were not named in the FIR but were roped in at a later stage keeping in view the fact which emerged during the investigation. Learned State counsel also concedes that the petitioners have been involved in the present case on the basis of Section 120-B of the IPC though and that the petitioners were not participant in the act, wherein the victims were injured. Learned State counsel further concedes that the investigation is already over and challan has already been presented.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that it is a conceded position that the petitioners never participated in the act, which led to the injuries upon the victim and were only roped in subsequently with the allegations that either the petitioner Haripal Singh was driving the car, which was used by the co-accused in escaping from the site or that the weapons used by the assailants, were recovered from one of the petitioner namely Karamjit Singh @ Kamma and the said charge is yet to be proved during the trial, no useful purpose will be achieved in keeping the petitioners behind the bars during the entire period of trial as the same is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid-19 especially when the learned counsel for the petitioners has undertaken before this Court that in case, the petitioners are extended the benefit of regular bail, they will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail,

subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 10, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No