

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

**CRM-M-40587-2020 (O&M)
Date of Decision :23.08.2022**

KANWALJIT SINGH @ KAMAL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

Through this petition, the petitioner seeks regular bail in case FIR No.380 dated 31.10.2019, registered at Police Station Phillaur, District Jalandhar, Rural, under Sections 302 and 120-B IPC, Sections 25 and 27 of the Arms Act, 1959 and Sections 212 and 216 IPC (added later on).

Learned counsel for the petitioner contends that the above noted FIR was registered on 31.10.2019, against one Parminder Singh @ Rinku and three unknown persons; that on 01.11.2019, a supplementary statement of the complainant was recorded wherein he had named one Navepreet Singh @ Nav; that Parminder Singh @ Rinku has not been challaned by the police; that the petitioner was neither named in the FIR nor in the supplementary statement of the complainant; that on 17.01.2020, petitioner- Kamaljeet Singh @ Kamal was arrested in another FIR No.11 dated 15.01.2020, under Sections 482 and 411 IPC

and Section 25 of the Arms Act, 1959 and while in custody, he had suffered a confessional statement qua the murder of Harpreet @ Chintu and also named five persons i.e. Harpreet @ Tiddi (died on 06.01.2020), Iqbal @ Pala @ Jagga, Satwant @ Jaswant @ Jassa, Gurpreet @ Guri and Anuj Arora, who were also involved in the present case.

Learned counsel further contends that complainant-Charanjit Singh, father of the deceased, has also expired and that the petitioner has been implicated in the present case on the basis of his confessional statement in another case; that co-accused, Harpreet Singh @ Tiddi, who was allegedly the main connecting link between the petitioner and the main conspirator Navpreet @ Nav, has already expired; that the petitioner has been in custody since 27.01.2020; that the challan stands presented, charges are framed; that co-accused Gurpreet Singh @ Guri and Ashish Arora @ Ashu @ Ashish Kumar Arora have since been granted the concession of regular bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence; that there were three bullet injuries suffered by the deceased, and that revolver used in the commission of the offence, has been recovered from co-accused Ashish Kumar. However, learned State counsel does not dispute the custody period of the petitioner and the charges have been framed.

I have heard the learned counsel for the parties.

The petitioner was neither named in the FIR nor in the supplementary statement of the complainant. The petitioner has been

indicted in the present case on the confessional statement made by him in another case i.e. FIR No.11 dated 15.01.2020.

The petitioner has been in custody since 27.01.2020. The charges are framed and the prosecution has cited as many as 28 witnesses. As such, trial is unlikely to conclude any time soon. As noticed above, co-accused co-accused Gurpreet Singh @ Guri and Ashish Arora @ Ashu @ Ashish Kumar Arora have since been released on regular bail. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.08.2022
Riya

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No