

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

CRM-M-49212-2021 (O&M)

Date of decision: 25.02.2022

Bhupinder Kumar @ Penny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail incase bearing FIR No.129 dated 18.08.2020, registered at Police Station Bullowal, District Hoshiarpur, under Sections 307, 506, 34, 120-B and 201 IPC and Sections 25 and 27 of the Arms Act, 1959.

Custody certificate dated 24.02.2022 issued by the Superintendent, Central Jail, Hoshiarpur, submitted by the learned State counsel is taken on record.

Learned counsel for the petitioner contends that the petitioner has been indicted on the second disclosure statement of co-accused, Sandeep Singh @ Ravi Balachauria; that the petitioner has been in custody since 05.09.2021; that as per the status report dated 05.01.2022 (Annexure P-12),

on the application of the mother of the petitioner, an enquiry was conducted by SI Kamaljit Singh, wherein a conclusion was drawn that no evidence of any kind was found to link the petitioner with the sending of Rs. 5 lakh to gangster Ravi Balachauria. The conclusion of the said report reads as under:-

“As per the investigation conducted on the application till now in FIR No. 129 dated 18.08.2020 u/s 307, 506, 148, 149 IPC read with Section 25 of Arms Act, PS Bullawal, District Hoshiarpur, no enmity has come on record between accused Surjit Kumar and Bhupinder Kumar Penny residents of Chandpur Rurki, District SBS Nagar, and injured Lovedeep Singh @ Labha son of Lakhwinder Singh resident of village Sikri village Bullawal District Hoshiarpur. Apart from that no evidence come on record regarding any mobile phone or social media or of sending five lacs rupees to gangster Ravi Balachauria by Surjit Kumar and Bhupinder Kumar for committing attack on Lovedeep Singh. Not even any link evidence has come on record to get them convicted from Hon'ble Court but Bhupinder Kumar son of Tarsem Lal resident of Chandpur Rurki PS Pojewal District SBS Nagar was got arrested and challan was presented against him and Bhupinder Kumar is in custody regarding which the Court is to decide however Surjit Kumar son of Tarsem Lal is in Kuwait and he is not required in the case.

Learned State counsel, vehemently opposes the prayer for bail.

However, he does not dispute the custody period of the petitioner. He submits that challan stands presented but charges are yet to be framed.

I have heard the learned counsel for the parties.

As per the enquiry conducted on the application of the mother of the petitioner, no link evidence was found against the petitioner. The petitioner has been in custody since 05.09.2021. Charges are yet to be framed, therefore, the conclusion of the trial would taken a long time. 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

25.02.2022

Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No