

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-768-2023 (O&M)
Date of Decision: 13.07.2023

DHARMINDER SINGH

... Petitioner

Versus

UT CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gaurav Datta, Advocate and
Ms. Srishti S Sharma, Advocate
for the petitioner.

Mr. AM Punchhi, PP UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

CRM-28252-2023

This is an application for placing on record Annexure P-4.

With no objection from the learned counsel for UT
Chandigarh, the present application is allowed.

Annexure P-4 is taken on record.

Registry is directed to tag the same at an appropriate place.

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Through this second petition, the petitioner seeks regular
bail in case bearing FIR No.247 dated 28.09.2019, registered under
Sections 302, 307, 120-B and 34 IPC and Sections 25, 27, 54 and 59 of
the Arms Act, at Police Station South Section-34, Chandigarh, the first
one having been dismissed as withdrawn on 22.06.2021.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case and that too on the basis of the disclosure statement of the co-accused; that the petitioner has been in custody since 07.10.2019; that the allegation against the petitioner is that he had arranged boarding, lodging, a car and money to the co-accused, who have committed murder of Sonu Shah and that none of the prosecution witnesses, out of 34, have been examined till date.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned UT counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he is a member of Lawrence Bishnoi gang; that the petitioner owns a hotel and had arranged boarding, lodging, a car and money to the co-accused, who have ultimately committed the murder of Sonu Shah. He further submits that statement of Manager of the Hotel, owns by the petitioner, under Section 164 Cr.PC. was recorded and that, during investigation, it was found that murder of Sonu Shah was facilitated by the petitioner. He further submits that post framing of the charges, the prosecution evidence is yet to commence and that the petitioner is a habitual offender and there are other cases registered and/or pending against him. He, thus, prays for dismissal of the present petition.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.10.2019. The petitioner was indicted on the basis of the disclosure statement of the

co-accused. As per the learned counsel for the petitioner, the only allegation against the petitioner is that he had arranged boarding, lodging, a car and money to the co-accused, who have committed murder of Sonu Shah. In another case registered against the petitioner, the petitioner stands acquitted in three cases and convicted in three (that too in the petty offences). There is no case regarding heinous crime pending against the petitioner. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.07.2023

Aman Jain

(HARNARESH SINGH GILL)**JUDGE***Whether speaking/reasoned* : *Yes/No**Whether reportable* : *Yes/No*