

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9354-2023
DECIDED ON: 27th FEBRUARY, 2023

VISHAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Partap S. Pathania, Advocate
 for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 81, dated 02.09.2022, under Sections 302, 307, 365, 148 and 149 IPC and Sections 202, 204, 212 and 216 IPC added later on vide rapat No. 35, dated 15.12.2022, registered at Police Station Sadar Pathankot, District Pathankot.

Learned counsel for the petitioner has contended that the present case has been registered at the behest of brother of the deceased. It is asserted that the petitioner was working as waiter/room service provider at Blue Sapphire Hotel, Katra. The allegation qua the petitioner that he has provided hot spot connection to the accused persons at the time of their short stay in the hotel and apart from that no role has been attributed to the petitioner in any manner whatsoever.

He has also relied upon the orders of this Court dated 01.02.2023,

10.02.2023 and 14.02.2023 respectively passed in CRM-M-4235-2023, CRM-M-6259-2023 and CRM-M-7008-2023 whereby, the co-accused of the petitioner namely Naresh Thakurj, Mohit Kumar and Tarsem Lal have been granted the concession of regular bail.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State, who has produced the custody certificate of the petitioner today in Court, which is taken on record. According to which, the petitioner is behind bars for the last 5 months and 9 days and admittedly is not involved in any other case of any nature.

At this state, Mr. Kulwinder Singh, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance which is taken on record. It is asserted that there petitioner has played an active role in commissioning of offence by providing a hot spot connection to the accused person.

Be that as it may, it is an admitted fact that the petitioner was only working as a Waiter/Room Service in the hotel and has provided the hot spot connection from his mobile to one of the accused namely Arun Thakur @ Anku who was accompanying with the other co-accused, during his stay in the hotel as common practice to any visitor coming to a hotel wherein except that no overt act has been attributed to the petitioner.

Considering the afore-said facts and circumstances apart from the custody period undergone by the petitioner added with the fact that the co-accused of the petitioner have already been granted the concession of regular bail and challan stands presented, this Court is of considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for

an indefinite period.

The petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

27th FEBRUARY, 2023

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>