

**219 (2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-12773-2023
Date of Decision: 11.05.2023**

Sunil Kumar @ Kala

...Petitioner

V/S

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sandeep Gors, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No. 0006 dated 23.08.2022 (Annexure P-1) registered under Sections 153, 153-A, 212, 216 and 120-B of the Indian Penal Code, 1860 and Section 21-61-85 of Narcotic Drugs and Psychotropic Substances Act and Section 25-54-59 of Arms Act at Police Station SSOC, SAS Nagar, District SAS Nagar, Mohali.

Short reply by way of an affidavit of Gurcharan Singh, PPS, Deputy Superintendent of Police, State Special Operation Cell, SAS Nagar has been filed by State, which is taken on record.

Brief facts of the case are that on 23.08.2022 SI/ SHO Manpreet Singh received a secret information that Lakhvir Singh @ Landa, who is residing in Canada in connivance with Satnam Singh @ Satta alongwith other unknown persons are illegally supplying arms

and ammunitions and funding, he being follower of Khalistan separatist ideology with an intent to create disturbance on the ground of religion at the instance of Pakistani Agency ISI and target the leaders of religious organizations and political leaders due to which peace of State of Punjab may disturb and FIR was registered.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. The petitioner has not been named in the present FIR. Learned counsel submits that the only allegation against the petitioner is that he has given shelter to the co-accused, namely, Charat Singh and the name of the petitioner is added to the FIR later on from the alleged disclosure made by the co-accused Charat Singh for the offences under Sections 212 and 216 of the Indian Penal Code. Learned counsel further submits that the petitioner was arrested in the present case on 19.10.2022 and since then he is in judicial custody. He further contends that nothing incriminatory has been recovered from the possession of the petitioner nor is there any iota of evidence to connect the petitioner with the alleged offences. He has argued that there is no witness or evidence in the challan presented by the prosecution to reflect that the petitioner has committed any alleged offence nor is there any evidence to connect the petitioner with the other co-accused and no other case is pending against the petitioner. He further submits that no useful purpose would be served by keeping the petitioner behind the bars as challan has already been presented but the charges have not been framed yet. He

prays for grant of regular bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner is involved in the serious crime, however, does not dispute that the charges are not framed and no other case is pending against the petitioner.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that no case is pending against the petitioner. Further investigation of the case has also been completed and challan stands presented but the charges have not been framed yet. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration, thus the present petition for grant of regular bail deserves to be allowed.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

Accordingly, this petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

11.05.2023
sapna

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