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2023:PHHC: 078307

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

CRM-M-14477-2023

Date of Decision: 29.05.2023

Sunil Kumar @ Juona

..... PETITIONER

VS

State of Punjab

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. T.K.Hundal, Advocate for the petitioner.
Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0132 dated 27.11.2021 under Sections 307, 34 IPC and Section 25 of Arms Act registered at Police Station Lohian District Jalandhar.

Status report by way of an affidavit of Gurpreet Singh, PPS, Superintendent of Police, Sub Division Shahkot, District Jalandhar has been filed and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

The case was registered at the instance of Kuldeep Kumar. As per allegations, he along with his wife Baljit Kaur after paying obeisance at Gurudwara Shri Ber Sahib Sultanpur Lodhi and was returning towards their home in village Gidderpindi. At 6.45 P.M in front of the main gate of Dera Radha Swami Satsang Ghar, village Manak the two young man riding on a motorcycle came from behind. They had tied scarves to cover their faces and they positioned their motorcycle at the right side of the motorcycle of the compliant, the pillion rider fired one round from the revolver which hit on the thigh of the complainant.

During course of investigation, accused namely Ravinder Singh @ Ravi who was accused in another case disclosed that he alongwith petitioner had tired to commit snatching from a couple near the Radha Soami Satsang Ghar in this case. The petitioner was arrested on 23.06.2022 in another case FIR No. 132. He further made the statement that the alleged 32 bore pistol had already got recovered in some other case and motorcycle used by him was sold by him to unknown person. The motorcycle could not be recovered.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. The petitioner was nominated only on the basis of the disclosure statement of co-accused. The weapon of crime was already in possession of police when petitioner was arrested in this case.

The complainant has also sworn the affidavit whereby complainant has denied that the role of the petitioner in the instant case. The co-accused Ravinder @ Ravi has already been granted bail by the learned trial Court . The copies of the order is annexed as Annexure P-3.

Learned State counsel has submitted that allegations against the petitioner are very serious. The petitioner has fired from the pistol in order to commit snatching and caused injuries on the person of the complainant. The petitioner is involved in other 8 cases. But he has fairly submitted that the petitioner was in custody in some other case and then arrested in this case on 26.02.2022. The challan has already been presented.

Heard.

Since the petitioner is not named in the FIR; the petitioner is nominated on the basis of the disclosure statement of the co-accused made

while in custody in some other case; the petitioner was arrested in some other case; the weapon used in this case was already recovered in other case; co-accused Ravinder @ Ravi and Sahil have already been granted bail by learned trial Court; the completion of trial will also take a long time to decide the culpability of the petitioner, no useful purpose would be served by keeping the petitioner behind bars for a long period and the complainant has already sworn the affidavit that the petitioner has no role in this case. So, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS and shall not change his mobile number during pending of the case. The petitioner shall also get his mobile number registered with the concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case. If the petitioners indulge in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

(GURBIR SINGH)
JUDGE

29.05.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No