

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

CRM-M-18436-2022

Date of Decision: 13.07.2023

Navtej Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sonpreet Singh Brar, Advocate
by the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.154 dated 07.11.2019 registered under Sections 302, 120-B, 34 of IPC and Section 25/27 of Arms Act, at Police Station Sadar Kotkapura, District Faridkot.

As per the case of the prosecution, on 07.11.2019, the information was received in Police Station Sadar Kotkapura regarding the murder of Sant Dayal Dass in Dera Baba Harka Dass Kotsukhia by two unknown persons, who fled away from the spot. After registration of the FIR, the investigation was conducted in the present matter and Lakhwinder Singh @ Lakha and Amrit Singh @ Sheru were arrayed as the accused, with the allegations that they had murdered Sant Dayal Dass at the instance of Sant Jarnail Dass. It was further alleged that Sant Jarnail Dass was the main conspirator and provided financial assistance to Harmeet Singh @ Rubal and Amarjit Singh @ Makhan, who hatched criminal conspiracy and even conducted recce before the occurrence

and provided information to Sant Jarnail Dass to facilitate the crime.

Learned counsel for the petitioner contends that he was not named in the present FIR and was arrested on 05.03.2021 on the basis of disclosure statement made by the co-accused. Even as per the said disclosure statement, the only role attributed to the present petitioner is that he had supplied the arms to the main accused. Learned counsel for the petitioner further contends that as per the admitted case of the prosecution, the petitioner had not participated in the commission of crime and was not present at the place of occurrence. While referring to Annexures P-3 and P-4, learned counsel for the petitioner submits that Amarjit Singh @ Makhan and Harmeet Singh @ Rubal, who had done recce before the commission of crime, have already been granted the concession of bail by this Court. Learned counsel further contends that the prosecution has falsely alleged that the weapons supplied by him was used in the commission of crime as no FSL report has been received so far and there is no evidence to connect the petitioner with the alleged crime. He further contends that the challan in the instant case was presented on 02.08.2021 and the trial is yet to formally commence with the framing of charges. The prosecution has relied upon 76 witnesses and the conclusion of the trial will take a long time.

On the other hand, learned State counsel has vehemently opposed the prayer made by the petitioner on the ground that several other cases have been registered against the present petitioner. He further contends that since the material witnesses are yet to be examined, the petitioner may influence the witnesses and does not deserve the concession of bail by this Court.

I have heard learned counsel for the parties and perused the record with their able assistance.

It is not in dispute that the petitioner was arrested in the present case on 05.03.2021 and even after a period of two years, not even a single prosecution witness has been examined by the prosecution. Still further, it is also the admitted case of the parties that the petitioner had not actively participated in the commission of crime and the only allegation against the present petitioner at this stage is that he had supplied the weapon of offence to the main assailants. However, even after a period of two years, no FSL report has been received by the police, to connect the weapon allegedly supplied by the petitioner with the commission of crime. Thus, the further custody of the petitioner will serve no meaningful purpose. No doubt, several other cases have been registered against the present petitioner, but the petitioner has already undergone more than 02 years and 02 months of actual custody in the present case and the involvement of the petitioner in the present crime is yet to be established during the course of trial.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Since, the petitioner is involved in several other cases, it is directed that the petitioner shall appear before the SHO, Police Station Sadar Kotkapura, District Faridkot on every Monday between 10.00 am to 1.00 pm, during the pendency of the trial and his presence shall be marked by the concerned SHO in the roznamacha of the police station. He shall also file an affidavit before the

concerned learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate, notifying his ordinary place of residence and shall also mention the mobile number, which he shall use during the pendency of the trial. In case, the petitioner involves in any other criminal activity, during the pendency of the trial before the learned trial Court, it shall be viewed seriously and the prosecution shall be at liberty to apply for cancellation of bail granted to the present petitioner.

With these observations, the present petition is disposed off.

13.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No