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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22445-2022 (O&M)
DECIDED ON: 21st MARCH, 2023

KULPREET SINGH @ NEETA DEOL

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Dr. Shelly Sharma, Advocate for
Ms. Poonam Singh Thakur, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-41283-2022

Prayer in the present application is for placing on record the photocopy of uncertified copy of charge sheet dated 31.08.2018 (Annexure A-1), supplementary challan (Annexure A-2) and statement of PW-34 Raghbir Singh (Annexure A-3).

Application is allowed, as prayed for.

Annexures A-1 to A-3 respectively, are taken on record subject to all just exceptions.

CRM-M-22445-2022

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 33, dated 29.03.2016, under Sections 307, 353,

186, 224, 332, 148, 149, 212, 216 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959, registered at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner has contended that the petitioner has been roped in the instant FIR falsely having no material against him except a bald allegation of having conspired the whole incident whereas he was in judicial custody and in support of the said assertion she has produced copies of orders dated 09.03.2016, 19.03.2016 and 30.04.2016 respectively passed by Judicial Magistrate Ist Class, Phagwara, which are taken on record as document 'A' collectively.

Custody certificate of the petitioner filed by learned State counsel is taken on record. According to custody certificate the petitioner has suffered incarceration for a period of 6 years and 26 days. Learned State counsel could not controvert the fact that Section 307 IPC is not attracted qua the petitioner who has not been attributed any injury whatsoever except the allegation that he has conspired the whole plan of which he has been alleged to be the master mind.

Be that as it may, the petitioner has already suffered incarceration for a period of 6 years and 26 days and admittedly, he has not been attributed any injury of any manner, neither any recovery is to be effected from the petitioner nor he is not required for further interrogation; challan stands presented wherein, conclusion of trial will take sufficient long time, this Court is of the 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 bail subject to his

furnishing personal/surety bonds to the satisfaction of learned Chief
Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in view of the afore-said
terms.

However, it is made clear that anything stated hereinabove,
shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

21st MARCH, 2023

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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |