

CRM-M-24019 of 2022 (O&M)

2023:PHHC:049454

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

CRM-M-24019 of 2022 (O&M)

Date of decision: 11.04.2023

Bohra

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Manaise, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.

CRM-13970 of 2023

This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. for placing on record judgment dated 01.03.2023 passed by the Court of learned Sub Divisional Judicial Magistrate, Nakodar, as Annexure P-4.

In view of the averments made in the application, same is allowed. Annexure P-4 is taken on record subject to all just exceptions.

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This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.72 dated 29.05.2021 under Sections 302, 336, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, Registered at Police Station Sadar Ferozepur, District Ferozepur.

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The present FIR was registered at the instance of Vijay Kumar son of Ashiq, on the allegations that on 29.05.2021 at about 02.00 p.m., he came back to his house from the shop, where he is working. There arose noise outside his house. He came out and saw Davinder @ Laddi along with Rishu quarreling with his brother Sonu @ Choocha. The respectables of locality pacified them and sent back to their respective houses. Thereafter, Sarpanch Major Singh and Chhinder Singh Member convened Panchayat at the house of Mohinder Pal son of Surinder Pal to prevail better sense amongst the quarreling persons. When complainant along with others was standing outside in the street David @ Laadi armed with Pistol, Lovekesh son of Major, Akash son of Nishan, Abbi son of Mohinder Pal armed with Pistols, Jagga son of Sheera armed with Kappa, Bagga son of Pagga, Rinku son of Mohinder Pal, Samson son of Rinku, Ravi Pardhan along with 5-6 unknown persons while firing shots in air came to the houses of complainant party, looking for Jafar son of Manjeet Kaur, who did not meet and they left the spot. Thereafter, at about 04.00 p.m., his brother Sonu went to the house of Mohinder Pal, where the Panchayat was convened for effecting compromise. He heard shrieks from house. He saw from terrace that David @ Laadi armed with pistol, Lovekesh, Akash, Abbi, Jagga, Pagga, Rinku, Samson and Ravi Pardhan were giving beatings to his brother. They threw his brother from terrace after firing shots on him. His brother succumbed to firearm injuries. Besides this, Laadi fired shots in his house in order to save his father Mohinder Pal and Rinku. According to complainant, the motive behind the occurrence was that, one Sherry, friend of his brother had pledged I-20 car belonging to David for some money, due

to which there was dispute between them and they killed his brother.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner was not named in the FIR and has been named in the supplementary statement of the complainant. He further submits that no specific role has been attributed to the petitioner. Only allegation against the petitioner is that he was part of the unlawful assembly. Learned counsel further submits that investigation in the present case is complete; challan has been presented and charges are yet to be framed. He submits that petitioner is in custody since 18.06.2021. No recovery has been effected from the petitioner. Learned counsel further submits that petitioner was involved in two more cases, however, in one case bearing FIR No.442 dated 09.11.2014 under Sections 3/4 of the Cow Slaughter Act, 1957, Sections 295A, 279, 337, 338, 427, 429 IPC he has been acquitted by the Court of learned Sub Divisional Judicial Magistrate, Nakodar, vide judgment dated 01.03.2023 (Annexure P-4) and in FIR No.20 dated 20.03.2012 under Sections 341, 427, 506, 148, 149 IPC (Sections 326 IPC added later on), District Ferozepur, he was found innocent. He further submits that trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel, while placing on record custody certificate, has opposed the prayer for grant of regular bail to the petitioner. However, he could not refute that investigation in the present case is complete; challan has been presented and charges are yet to be framed; petitioner is in custody for a period of 01 year 09 months and 24

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days; in FIR No.442 dated 09.11.2014 he has been acquitted and in FIR No.20 dated 20.03.2012 he was found innocent and trial may take a considerable time to conclude.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody of the petitioner, which is 01 year 09 months and 24 days; investigation in the present case is complete; challan has been presented and charges are yet to be framed and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed of accordingly.

11.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No