

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213/4)

CRM No. M-25276-2023

Date of Decision : 12.07.2023

Sunil Kumar Lohia

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Pradeep Sharma, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 164 dated 02.10.2022, registered under Sections 222, 224, 225-A, 120-B IPC, Section 25/54/59 of Arms Act and (Sections 212, 216 IPC added later on) at Police Station City-I, Mansa, District Mansa.

Learned counsel for the petitioner argues that in the present case, the only allegation is that one of the escaped prisoner was given shelter by the petitioner and though, in the FIR concerned the Arms Act has been invoked but qua the petitioner, there is no allegation as there is no recovery of any illegal weapon from the petitioner.

Learned counsel for the petitioner submits that the allegation of providing shelter by the petitioner to an escaped under trial, is also based upon the disclosure statement of other co-accused, which disclosure

statement is not admissible and no independent evidence has come on record to even *prima-facie* prove the said allegation.

Notice of motion.

Mr. Jaswinder Singh Arora, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Dalel Singh, submits that after the arrest of the co-accused, they had given the detail as to where the escaped under trial prisoner was provided shelter before he was arrested again and in the disclosure statement of the co-accused, the name of the petitioner had cropped in and he was roped in on the basis of the said disclosure statement of co-accused.

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

The allegation, which has been alleged against the petitioner, is based upon the disclosure statement of the other co-accused. No material independent of the said disclosure statement of the co-accused has been brought to the notice of this Court to support the allegation though, the said allegation will be proved on the basis of the complete evidence, which will come on record.

Keeping in view the fact that the petitioner is behind bars since October, 2022 and the trial is likely to take some time before the same concludes as none of the 56 cited witnesses has been examined so far, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is

granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

July 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No