

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:079314
CRM-M-26885-2023
Date of Decision: May 31, 2023

Karan Kohinoor @ Karan

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Navraj Singh, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C. in case FIR No.157, dated 25.12.2022, registered at Police Station Meharban, District Ludhiana, under Section 379-B(2) of IPC (Sections 395, 411 IPC and Section 25 of the Arms Act added later on).

2. FIR was lodged on 25.12.2022 on the complaint of one Vivek, as per which on that day he was present at his office of Dream City Property, village Noorwala, Ludhiana, when at about 1.50 p.m., two unknown youths entered his office, followed by three other unknown persons. All of them gave beatings to him and took away ₹80-90,000/- from the drawer. One of the culprits was holding pistol and others had knife/datar.

3. Learned counsel for the petitioners has pointed out that in the FIR lodged on the statement made on 25.12.2022, complainant did not name anyone to be the culprits, but surprisingly after 5 days of the incident, on 30.12.2022, he made supplementary statement (Annexure P-4), stating therein that as per his inquiry, he had found that 5 unknown youths, who had entered his office with weapons, were Karan Kohinoor (petitioner), Rajan Kumar @ Raja, Sunny Kumar S/o Dharmesh,

Simranjit Singh @ Sunny and Deepak Kumar.

4. Learned counsel contends that in case, the complainant knew the culprits, he would have named them on 25.12.2022 itself. If he did not know them, he would have disclosed the source of his information as to how he came to know about the names of the culprits including the petitioner.

5. Notice of motion.

6. Mr. M.S. Nagra, Asstt. A.G., Punjab, accepts notice on behalf of the respondent-State.

7. Learned State counsel concedes the position that except for the disclosure statement and recovery based thereon, there is no other incriminating material against the petitioner. Learned State counsel submits that a desi pistol of .315 bore, one live cartridge, besides ₹5,000/- were recovered from the petitioner.

8. As per the custody certificate placed on record by learned State counsel, petitioner is in custody in this case for the last 4 months and 28 days. He is also involved in one more case, in which he is on bail.

9. Apart from this, similarly placed co-accused Simranjit Singh @ Sunny and Rajan Kumar @ Raja have already been granted bail vide order dated 27.04.2023 in CRM-M-19915-2023 (Annexure P-5). One other similarly placed co-accused Sunny Kumar was allowed bail by this Court vide order dated 08.05.2023 in CRM-M-21929-2023 (Annexure P-6).

10. Having regard to the factual position as above and the fact that the trial may take time to conclude, and also the fact that similarly placed three co-accused have already been granted regular bail by this

Court, but without commenting anything further on the merits of the case, both the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned.

Allowed.

May 31, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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