

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29501-2023
Reserved on: 09.10.2023
Pronounced on: 12.10.2023

Neeraj @ Rana

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sandeep Singh Jattan, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.159 dated 19.12.2020 registered at Police Station Sadar Jagraon, District Ludhiana, under Sections 302/34/120B IPC and Sections 25/27 of the Arms Act, 1959.

2. FIR was registered on the statement of Satpal Singh made on 19.12.2020, as per which his brother Randhir Singh (deceased) was an agriculturist and also used to do the sale/purchase of cattle. Said Randhir Singh (deceased) had gone along with Jagtar Singh and an unknown person on 18.12.2020, but later on a migrant labour, working with the family of the complainant, namely Kishan son of Ram Chander, informed the complainant that somebody had committed the murder of Randhir Singh by shooting him. Complainant along with his brother reached the fields and took Randhir Singh to the hospital in unconscious condition, but he was declared dead.

3. It is contended by ld. counsel that petitioner is not named in the FIR; that petitioner has been implicated on the basis of disclosure statement of co-accused Amandeep Singh @ Amandeep Singh Cheema, who has already been allowed bail by this Court vide order dated 23.05.2022 in CRM-M-16093-2021. Ld. counsel further contends that Jagtar Singh, who is named in the FIR, was found innocent during investigation, though he has now been summoned under Section 319 CrPC to face trial. Said Jagtar Singh has also been allowed bail by this Court vide order dated 29.09.2022 in CRM-M-36304-2022. Ld. counsel further contends that no test identification parade was conducted; that petitioner did not have any enmity or motive to commit the murder. Ld. counsel further contends that petitioner is in custody ever since 24.06.2021 i.e., for the last more than 2 years and 3 months and trial is likely to take time to conclude and so, in all these circumstances, he be allowed bail.

4. Opposing the bail petition, ld. State counsel has drawn attention towards the status report filed by the police, as per which it was found during investigation that petitioner along with co-accused Amandeep Singh @ Amandeep Singh Cheema are the sharp-shooters, who committed the murder of Randhir Singh at the behest of Harwinder Singh @ Ladi and his wife Gurbinder Kaur, besides one Jasvir Kaur, for an amount of ₹10 lakh. Ld. State counsel submits that there is sufficient incriminating evidence against the petitioner, which includes the CCTV footage in which the petitioner along with deceased and Jagtar Singh is seen coming to his fields. There is also extra judicial confession besides last seen evidence and the documents used for booking of the hotel at Ludhiana. Ld. State counsel has prayed for dismissal of the petition.

5. I have considered submissions of both the sides and have appraised the record.

6. As per the own case of the prosecution, it is Kishan, the servant of the family, who had seen the deceased, Jagtar Singh and two unknown persons in the room of the fields of the deceased. Said Kishan heard sound of bullet and when he went inside, Randhir Singh was lying injured. During the trial of co-accused Amandeep Singh @ Amandeep Singh Cheema, said Kishan was examined by the prosecution and he failed to establish the identity of Amandeep Singh @ Amandeep Singh Cheema. Said fact was taken into consideration by a Coordinate Bench of this Court, while allowing bail to co-accused Amandeep Singh @ Amandeep Singh Cheema vide order dated 23.05.2022 in CRM-M-16093-2021 (Annexure P2).

7. This Court vide order dated 16.08.2023 specifically asked the respondent/State to clarify as to whether any test identification parade was got conducted through eye witness Kishan, after the arrest of present petitioner Neeraj @ Rana. However, in the latest status report, as filed by the respondent/State, it is conceded that no test identification parade has been got conducted.

8. Petitioner is in custody for the last more than 2 years and 3 months. Although petitioner is facing trial in three other cases as per details given in Para No.15 of the petition and seven other cases have been decided against him, but having regard to the role attributed to the petitioner in the present case and also the fact that similarly placed co-accused Amandeep Singh @ Amandeep Singh Cheema has already been allowed bail by this

Court and that trial may take time to conclude, but without commenting anything further on merits of the case, this petition is accepted. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

12.10.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No