

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.209

Case No. : CRM-M-33283-2022

Date of Decision : January 19, 2023

Navdeep Singh Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Inderjeet Singh Brar, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

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GURBIR SINGH, J. (Oral) :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.255 dated 29.09.2021, under Sections 302, 307, 212, 216, 120-B IPC and Sections 25, 27 of the Arms Act, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1).

Learned counsel for the petitioner states that the present FIR has been registered on the basis of statement made by one Kakku, who is brother of Sham Lal @ Shama (since deceased). The complainant, being injured eye-witness, did not name the petitioner in any manner. The alleged incident took place on 29.09.2021. On the basis of CCTV footage, the complainant identified four assailants. The complainant made a supplementary statement and two other accused were nominated. On

22.04.2022, complainant made another supplementary statement and named the petitioner and three other persons. In this regard, General Diary No.044 dated 22.04.2022 was recorded (Annexure R1/T) and the petitioner was nominated in this case. There is no other evidence against the petitioner, collected by the prosecution. The petitioner is not, in any way, connected with the crime in question. It has further been submitted that the co-accused Pardeep Kumar has already been granted bail by this Court in case bearing **CRM-M-21892-2022**, decided on 28.09.2022 and therefore, petitioner be also granted concession of bail on the basis of parity.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, has not denied that the petitioner was nominated in the instant case on the basis of second supplementary statement of the complainant recorded in this case.

Heard learned counsel for the parties and perused the case file.

As per the Status Report filed by learned State counsel, the petitioner was named on the basis of supplementary statement of the complainant, recorded on 22.04.2022, on the basis of which General Diary No.044 dated 22.04.2022 was recorded (Annexure R1/T). In paragraph 10 of the Status Report, role of the petitioner is mentioned which reads as under :-

“10. That the role of the petitioner Navdeep Singh is that on dated 22.04.2022, the complainant Kakku son of Chandgi Ram (who is also eye witness of the above referred FIR) above came present in the police station and he got recorded his statement before Inspector Karamjit

Singh, SHO PS City Sri Muktsar Sahib that he has inquired about the unknown persons of the case and named the present petitioner Navdeep Singh, Parbat Singh alias Nihang son of Jagsir Singh resident of village Kussa District Moga, Manpreet Singh alias Mannu son of unknown resident of Kussa, District Moga and also prayed for taking legal action against the petitioner and other accused named by him in the place of unknown persons. On the basis of statement of the complainant Kakku, the petitioner Navdeep Singh as well as other unknown persons i.e. Parbhat Singh alias Nihang, Manpreet Singh alias Mannu were nominated as accused in the above said FIR vide G.D.No.044 Dated 22.4.2022 and the accused Parbat Singh was arrested in the above said case on 21.05.2022 and the accused Navdeep Singh [petitioner] was arrested on dated 05.05.2022. The true translation of G.D.No.044 Dated 22.4.2022 is enclosed herewith R-1 for the kind perusal of this Hon'ble Court.”

As per the version of prosecution, the petitioner is neither directly involved in the case nor was found present at the spot. No other evidence has been collected by the prosecution against the petitioner except the above-mentioned supplementary statement which was recorded after six months of the occurrence.

The petitioner is in custody since 05.05.2022. The trial of the case is moving at a slow pace and the completion of trial may also take a long time. Therefore, no useful purpose would be served by keeping the petitioner behind bars for a long period. Moreover, co-accused of the

petitioner namely Pardeep Kumar has also been granted bail by a Co-ordinate Bench of this Court. In these circumstances, petitioner is also entitled to the same concession on parity.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Sri Muktsar Sahib.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

January 19, 2023
monika

(GURBIR SINGH)
JUDGE

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