

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.207

Case No. : CRM-M-33597-2022

Date of Decision : February 28, 2023

Dharminder Singh @ Goli Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Baldev Singh Mann, Advocate
for the petitioner.

Mr. Jaiteshwar Singh Bhandari, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.110 dated 30.04.2016, under Section 364 IPC and Section 25 of the Arms Act, 1959 (Sections 302, 201, 148, 149, 120-B IPC and Section 27 of the Arms Act, 1959 added later on), registered at Police Station Sultanwind, District Amritsar.

As per the case of the prosecution, FIR was registered on the statement of one Jarnail Singh, who stated that on 29.04.2016, at about 02:30 PM, his son Karanbir Singh received a phone call from Raghu and Ashu. They called his son at Purani Chungi, Tarn Taran Road. He along with his son Karanbir reached at the said place, where there was a car without number plate. Darshan Singh @ Raja Kann Wadia was sitting on front right seat and Bobby Malhotra was sitting on front left seat. Saraj @

Mintu, Raghu and Ashu were sitting on the rear seat of the car. They were armed with deadly weapons. Accused Ashu called his son Karanbir and when he reached near the car, Bobby Malhotra came out of the car and pointed his pistol at the ear of his son Karanbir and pushed him inside the car. Then they all fled away towards Tarn Taran. The complainant reported the matter to the police.

On 02.05.2016, secret information was received that a dead body was lying in a jute bag in bushes near Railway Lines of Bangalipura Varana. The complainant was called at the spot. The complainant identified the dead body of his son Karanbir Singh.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR. He was nominated on the basis of disclosure statement of co-accused. He has further submitted that five other co-accused, who have actively participated in the alleged occurrence and are facing other cases as well, have been granted concession of bail. The petitioner is in custody since 30.10.2020.

Learned State counsel has placed on file Status Report by way of affidavit of Maninder Singh, IPS, Assistant Commissioner of Police, South, Amritsar City, on behalf of respondent-State and has opposed the bail petition on the ground that the petitioner could not be arrested earlier despite best efforts. He was declared Proclaimed Offender. The petitioner is a habitual offender and is involved in committing crimes repeatedly. He is also involved in 19 other FIRs of serious crimes. Thus, he prayed for dismissal of the present bail petition.

Heard.

Keeping in view the facts that the petitioner is in custody for the last 02 years and 04 months in this case; he is not named in the FIR; he has been nominated on the basis of disclosure statement made by co-accused; many co-accused have already been released on bail and pendency of other cases against him is not a ground to decline him bail, no useful purpose would be served by keeping the petitioner behind bars for a long period.

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, Amritsar.

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

February 28, 2023
monika

(GURBIR SINGH)
JUDGE

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