

CRM-M-37118-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37118-2022

Date of decision: 11.04.2023

Sandeep Kumar @ Sandy

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.107 dated 08.07.2019, registered under Sections 302, 34, 120-B IPC; Sections 25 and 27 of the Arms Act, 1959 and Section 482 IPC (added later on), at Police Station Garshankar, District Hoshiarpur.

Learn

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, and that the petitioner was not named in the FIR. Learned counsel further contends that on 05.09.2019, the complainant got recorded his supplementary statement to the effect that he had earlier named Ram Pal on the basis of suspicion, but in fact, he was innocent and Vishal Rana (son of the complainant) had been murdered by one Sandeep Kumar @ Ravi Balachauria with the help of his two other aides. Learned counsel further contends that on 15.02.2020, the

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complainant suffered another supplementary statement to that effect that his son had been murdered at the instance of one Deepak Kumar @ Binni Gujjar with the help of Sandep Kumar @ Ravi Balachauria, and that on 27.02.2020 i.e. after a period of more than 07 months of the alleged occurrence, the complainant suffered third supplementary statement implicating the petitioner in the present case alleging that he alongwith Vijay Kumar had informed about the location of the deceased to the co-accused.

Learned counsel for the petitioner further contends that the petitioner has been in custody since 16.03.2020; that challan was presented on 15.05.2020; that out of 30 prosecution witnesses, only 09 witnesses have been examined so far, and that PW 3 Navpreet Singh, owner of *dhaba* where the alleged occurrence had taken place, has not supported the prosecution version and has been declared hostile.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime and that there are specific allegations against him that he informed about the location of Vishal Rana, who had been murdered by the co-accused.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR, but has been indicted in the present case on the basis of third supplementary statement of the complainant which had been recorded after a period of more than 07 months of the alleged occurrence. There are allegations against the petitioner that he informed about the location of Vishal Rana, who had

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been murdered by the co-accused. PW 3 Navpreet Singh, owner of *dhaba* where the alleged occurrence had taken place, has not supported the prosecution version.

Out of 30 prosecution witnesses, 21 witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. So far as FIR No.2 dated 05.02.2020, Police Station State Special Operation Cell Mohali, registered against the petitioner, is concerned, he has been released on bail therein, vide order dated 16.07.2021 passed by a Coordinate Bench in CRM-M-25922-2021.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

11.04.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No