

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-36100-2023 (O&M)

Date of Decision: 10.08.2023

ARUN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.161 dated 12.07.2020, registered under Section 302 IPC and Section 120-B IPC (added later on), at Police Station Division No.5, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that the petitioner has been indicted on the basis of the disclosure statement of main accused; that the allegation against the petitioner is that he has provided motorcycle to the main accused, who has committed murder of one Shamsheer Singh and that the petitioner has been in custody since 16.07.2020 i.e. more than three years. He further submits that out of total 15 prosecution witnesses, only 6 have been examined, so far including all the private witnesses and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the one who has provided motorcycle to the main accused, enabling him to commit murder of Shamsheer Singh, for which the petitioner was also paid by the said accused and that one DVR and mobile phone were recovered from the petitioner. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.07.2020. The petitioner was not named in the FIR and was indicted on the basis of the disclosure statement of co-accused. The only allegation against the petitioner is that he has extended help to the main accused by providing him the motorcycle. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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