

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANIDGARH

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2023:PHHC:105061

CRM-M-37004-2023

Date of decision: August 11<sup>th</sup>, 2023

Kamal Narayan @ Sonu Sekhon

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Rahul Arora, Advocate  
for the petitioner.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,  
Punjab.

Mr. Padamkant Dwivedi, Advocate  
for the complainant.

**MANJARI NEHRU KAUL, J.**

The petitioner is seeking the concession of regular bail in case FIR No.02 dated 01.01.2018 under Sections 307, 452, 323, 324, 148, 149 IPC (Sections 450, 427, 341, 326 and 120-B added later on) registered at Police Station Guruharsahai, District Ferozepur.

2. Learned counsel for the petitioner, *inter alia*, contends that on the face of it a false and fabricated case has been planted upon him without their being any cogent evidence to link him with the crime in question which allegedly took place on 26.12.2017 at about 9:00 PM when some unknown persons came to the shop of the complainant injured Vinay Kumar, on a Scorpio and attacked him with sharp-edged weapons. Learned counsel while drawing the attention of this Court to

the allegations leveled in the FIR which has been annexed as Annexure P-1 has further contended that after being admitted to the hospital on the same day, even though the injured complainant was declared fit, he did not get his statement recorded and rather stated that he would get it recorded only after consulting his relatives. Learned counsel submits that even thereafter neither did the injured complainant nor any of his relatives made any statement before the police much less raised any suspicion qua the involvement of the petitioner in the crime in question. He has further submitted that a perusal of the FIR clearly revealed that it was completely silent with respect to the description of the assailants, who had allegedly attacked and inflicted injuries on the complainant. However, it was on 15.10.2019 i.e. after almost two years, a supplementary statement was recorded under Section 161 Cr.P.C. by the complainant before Special Investigation Team, wherein it was alleged that the accused, who had come to his shop and carried out the attack, had done so in connivance with the petitioner and some others. Learned counsel has submitted that thereafter a disclosure statement was allegedly suffered on 18.10.2019 by the co-accused nominating the petitioner of having planned the attack on the complainant, as a result of which the petitioner was arrested on 01.03.2023. Learned counsel has vehemently argued that not only does the disclosure statement allegedly suffered by the co-accused, wherein the petitioner was named by them has weak evidentiary value but even the supplementary statement made by the complainant after almost two years of the alleged occurrence needs to be appreciated in the light of the fact that the complainant had chosen to keep mum even after he had been declared medically fit by the attending

doctors and still further, he had left the hospital against medical advice. Learned counsel has further contended that the only role attributed to the petitioner in the crime in question was that he had done a recce of the shop of the complainant as he was seen riding a motorcycle in close proximity to the time of the alleged occurrence. Learned counsel has thus argued that in the aforementioned facts and circumstances, more so, when the investigation is complete and challan stands presented before the trial Court, further incarceration of the petitioner would serve no useful purpose. It has also been submitted that identically placed co-accused, who too had been nominated as accused after two years of the occurrence in question had since been extended the concession of bail by this Court. Learned counsel has lastly urged that false implication of the petitioner also needs to be appreciated in the light of the fact that he has clean antecedents as he has never been involved in any criminal case besides he having no motive whatsoever to commit the crime in question.

3. *Per contra*, learned State counsel assisted by the counsel for the complainant while vehemently opposing the prayer and submissions made by the counsel opposite has submitted that the name of the petitioner cropped up in the disclosure statement dated 18.10.2019 made by accused Rajpreet Singh, who disclosed that during the birthday party of one Anish Kumar, a plan was hatched to attack the complainant; it was the petitioner who had then made a call to the assailants to come to the shop of the complainant and attack him. Learned counsel has submitted that it is thus writ large that the petitioner was an active participant in the crime in question. It has still further been submitted that on the date of

alleged occurrence, the petitioner had done a recce on his motorcycle which further showed his involvement in the crime in question.

4. On the last date of hearing, it had been vehemently asserted by the counsel for the complainant that the petitioner had absconded after the registration of the FIR in question and hence, he did not deserve the concession of bail. In the circumstances, learned State counsel had been directed to get necessary instructions qua the antecedents of the petitioner and also if the petitioner had been ever declared a proclaimed offender. Learned State counsel, on instructions, has apprised the Court that though proclamation proceedings under Section 82 Cr.P.C. were initiated against the petitioner on 02.11.2022, however, the petitioner was never declared a proclaimed offender. In support, learned counsel has drawn the attention of this Court to Annexure R-2, wherein the said fact stands mentioned and also that the petitioner was arrested on 01.03.2023.

5. I have heard the learned counsel for the parties and perused the relevant material on record including the FIR in question.

6. The challan against the petitioner was presented on 29.05.2023 and, thereafter, the case committed to the Court of Sessions in June 2023. As per counsel for the State, charges have not yet been framed as an SIT stands constituted and investigation is still underway qua the other accused. It is thus, evident that the trial is unlikely to conclude anytime in the near future. The petitioner, as also conceded by the learned State counsel, is not involved in any other criminal case except the present one. Still further, the name of the petitioner has been nominated as an accused on the basis of a disclosure statement of co-accused Jagmail Singh alias Poppal. It is a matter of record that the

petitioner was neither named in the FIR nor any description of the assailants given therein nor any suspicion raised qua his hand in the crime in question. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case. Needless to add that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**August 11<sup>th</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No