

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37743 of 2023

Reserved on 25.09.2023

Pronounced on 26.09.2023

Karan Gill @ Pandit

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Vaibhav Narang, Advocate and
Mr. Naveen Kumar Mahajan, Advocate
for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.44 dated 27.02.2023 registered at Police Station Gate Hakima, District Amritsar under Sections 302, 323, 336, 148, 149 IPC and Section 25, 27 of Arms Act, 1959

2. FIR was lodged on the statement of Sukhwinder Singh, resident of House No.6873/22, Wariyam Singh Colony Chabal Road Amritsar, as per which, a family function was going on at his home on 26.02.2023, when at about 10:30/11.00 PM, co-accused Pratham, Gurdeep Singh, Ajay, Sujal, Harpreet Singh @ Poppy and Shera came out of their cars and there was some exchange of words regarding parking of the vehicles. Complainant and his brother Balwinder Singh @ Ballu came out of home stating that they will remove the bike. However, Pratham and his associates and their accomplices brought base balls and sharp pointed weapons from their cars, at which complainant and his brother entered their house. It was alleged that above-said assailants dragged Sony and Balwinder Singh out of the house. They also called their other accomplices, namely, Vijay Bhuji and 4-5 unknown persons, who started manhandling Sonu and Balwinder. Pratham, Ajay and Sujal brought glass bottles from their cars. Their neighbour,

namely, Hitesh Kumar came forward to rescue but Vijay Bhuji gave baseball bat on backside of his head. Other assailants Pratham, Ajay and Sujal also started hitting bottles to Balwinder alias Ballu, who was drenched in pool of blood and fell down. On raising alarm, assailant fled away. Balwinder was taken to the hospital but was declared brought dead.

3. On above statement, FIR was registered. During investigation, supplementary statement was made by the complainant on 06.05.2023 disclosing that petitioner Karan Gill @ Pandit and one Vivek Kumar were also present with the assailants at the spot.

4. It is contended by learned counsel that petitioner was not named in the FIR, despite the fact that he is neighbour of the complainant being resident of House N: 6884/22, Wariyam Singh Colony. In case petitioner was amongst the assailants, he would have been named by the complainant first of all. Attention is further drawn towards the fact that name of the petitioner has been introduced by the complainant by making a supplementary statement after a gap of more than two months from the date of occurrence. Learned counsel further contends that no role has been specified to petitioner except alleging that he was present at the spot.

5. Learned State Counsel has opposed the bail petition but it is conceded that name of the petitioner has emerged in the supplementary statement of the complainant, made on 06.05.2023.

6. Heard.

7. As per the status report filed by way of affidavit of Shri Surinder Singh, PPS, Assistant Commissioner of Police, Central Amritsar City on behalf of the respondent- State today, petitioner is in custody since 19.05.2023. After completion of investigation, challan has already been filed against some of the arrested accused. Trial may take time to conclude. Petitioner was not named in

the FIR and his name has been introduced much later. No specific role is attributed to him.

8. Having regard to the afore-said facts and circumstances of this case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate.

September 26, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No