

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39785-2022 (O&M)

Date of Decision: 12.1.2023

Gaurav Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Kanica Sachdeva, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.137 dated 27.9.2020 registered for the offences punishable under Sections 460, 302, 380, 34 and Sections 411, 115, 120-B, 201, 148, 149 IPC at Police Station Dhanoula, District Barnala.

Counsel for the petitioner submits that as per the allegations appearing in the FIR, on the night intervening 26/27.09.2020 some unknown persons break open the office of Muthoot Finance Company and murdered Kishan Dev Rajak who was sleeping in the back portion of the said premises. Counsel for the petitioner further submits that subsequently the petitioner was arrested in October, 2020 on the ground that he along with his co-accused suffered extra judicial confession before one Paramveer Singh regarding their involvement in the aforesaid incident. He further submits that after completion of investigation, the police presented the

challan and now the trial is going on and the prosecution has already examined material witnesses including PW1/complainant-Rajan Chaudhary, PW2-Kesar Singh, aforesaid Paramveer Singh as PW3 and PW4-Dinesh Kumar but they have not supported the case of the prosecution. He further submits that it will take considerable time for the trial to terminate and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period. He further submits that similarly situated co-accused Makhan Singh has been granted regular bail by this Court vide order dated 6.9.2022.

Present petition is contested by the State counsel. Status report by way of affidavit of Satvir Singh, DSP (SD), Barnala filed on behalf of the State is ordered to be taken on record. State counsel submits that during the investigation of the case, one heavy iron rod (*Sabhal*) was recovered at the instance of the present petitioner and the petitioner also suffered extrajudicial confession regarding his involvement before PW3-Paramveer Singh.

I have considered the submissions made by the counsel for the parties.

Admittedly, the FIR in the present case was registered against unknown persons for committing murder of Kishan Dev Rajak who was sleeping in the office of Muthoot Finance Company when they broke open the said office during the night time. There are allegations that the petitioner suffered extra judicial confession before Paramveer Singh regarding his involvement in the aforesaid occurrence and accordingly, he was arraigned as accused and arrested in October, 2020 and is presently lodged in judicial custody and as per custody certificate, he is behind the bars for the last more

than 2 years and 3 months.

As per status report filed on behalf of the State, it has not been disputed that Rajan Chaudhary, Kesar Singh, Paramveer Singh and Dinesh Kumar while appearing in the witness box, failed to support the version of the prosecution and that co-accused Makhan Singh has already been granted regular bail by this Court vide order 6.9.2022. Admittedly, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 12, 2023

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No