

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-41171-2022

Date of Decision: 05.01.2023

Kanwaljeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. N.S. Sandhu, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 04.01.2023 filed by learned counsel for the State, is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 99 dated 04.10.2019 registered under Section 379-B read with Section 34 IPC at Police Station Lambran, Jalandhar (Rural), District Jalandhar.

Briefly, the aforesaid FIR was registered on the basis of a written complaint filed by Gurnam Singh, on the allegations that on 04.10.2019, he along with Kehar Singh, had gone to Lambra, to leave his daughter in a bus which was going to Ludhiana. When his daughter boarded the bus, he parked his Alto Car bearing registration No. PB-08-

CH-5324 near a vegetable shop and went to the clinic of Dr. Sham Lal, to take medicine, while leaving the key of the car and Kehar Singh, in the car. When he came back neither the car nor Kehar Singh were present there. After some time, Kehar Singh, came there and told him that two boys came, one sat on the back seat and other on the driver seat. They shown him the revolver and asked him to keep quite, otherwise they would kill him and stolen the said car.

As per prosecution version, the petitioner was arrested in case FIR No. 11 dated 15.01.2020 registered under Section 25 of the Arms Act and Sections 482 and 411 IPC at Police Station Kartarpur and in the said FIR he confessed that on 31.10.2019 he along with his co-accused murdered Harpreet Singh @ Chintu resident of Phillaur, by causing fire and injuries and the aforesaid Alto car was used by them in the said occurrence which was snatched from Lambra by Harpreet Singh @ Happy @ Tiddi, Satwant Singh @ Jaswant Singh @ Jassa and Anuj Arora.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case. The present FIR was registered against two un-known persons and the petitioner was not named in the FIR. The petitioner had no role in the alleged snatching of car. He further submits that both the material witnesses i.e. complainant-Gurnam Singh and eye-witness-Kehar Singh, have already been examined by the trial Court as PW-1 and PW-2, respectively. They both have turned hostile and did not support the prosecution version.

Even they did not recognize the petitioner. Copies of statements of PW-1 and P-2 are annexed with the petition as Annexures P-7 and P-8, respectively. The petitioner is in custody since 15.01.2020. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner, namely, Anuj Arora, had already been granted the concession of regular bail by the learned Additional Sessions Judge, Jalandhar, vide order dated 18.06.2020 (Annexure P-4). Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case, the fact that the complainant and the alleged eye-witness, namely, Gurnam Singh and Kehar Singh, examined as PW-1 and P-2, respectively, have turned hostile and treating the case of the petitioner on the same parity as that of his co-accused, namely; Anuj Arora, who had already been released on regular bail by the learned Additional Sessions Judge, Jalandhar, vide order dated 18.06.2020 (Annexure P-4), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Kanwaljeet Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial

Magistrate concerned.

State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other criminal activity during the period of bail.

January 05, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No