

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.47026 of 2023
Date of decision: 8th December, 2023

Parminder Kumar @ Paras

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balbir S. Jaswal, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.243 dated 08.12.2018 under Sections 302, 34, 120-B of the IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Kartarpur, District Jalandhar.

2. Learned counsel for the petitioner inter alia contends that it was alleged to be an eye-witness account, however, there was no suspicion raised while lodging the FIR in question by the complainant (i.e. father of the deceased, Dimple) qua the involvement of the petitioner in the crime in question. He submits that during investigation, a disclosure statement was allegedly suffered by co-accused Charanjeet Singh, who stated that the weapon of offence had been provided by the

petitioner. Learned counsel submits that strangely, said Charanjeet Singh, who had been attributed a role in the crime in question of being an active participant, had been exonerated by the investigating agency and placed in column No.2, whereas the petitioner was proceeded against and challaned to face trial in the case at hand. Learned counsel submits that it is evidently a case of false implication, which is fortified from the fact that the petitioner has clean antecedents as he is admittedly not involved in any other criminal case, much less under the Arms Act, 1959. It has also been submitted that the petitioner has been in custody since 28.10.2022 and there is no likelihood of the trial concluding in the near future as after an application under Section 319 Cr.P.C. seeking to summon Charanjeet Singh along with some others as additional accused was allowed, a de-novo trial had now commenced. Learned counsel has still further submitted that all the co-accused, including the ones who had allegedly gunned down the deceased, had been granted the concession of bail by a Coordinate Bench of this Court vide orders (Annexures P-4 and P-7). A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the only role attributed to the petitioner in the crime in question was of providing with the weapon of offence to the

prime accused i.e. Jatinder, who had allegedly gunned down the deceased. It has also not been disputed by the learned State counsel that the accused, on whose disclosure statement the petitioner was nominated as an accused, had been exonerated during investigation and placed in column No.2. Learned State counsel has also filed reply by way of an affidavit of Balbir Singh PPS, DSP Sub Division Kartarpur, District Jalandhar, which is taken on record subject to all just exceptions.

4. On a pointed query put to the learned State counsel with respect to the criminal antecedents of the petitioner, he on further instructions, has informed the Court that the petitioner is not involved in any other criminal case.

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

6. The petitioner has now been in custody since 28.10.2022. The role attributed to the petitioner is of having provided the weapon of offence to the co-accused, who as not disputed by the learned State counsel, have already been enlarged on bail. The petitioner is not stated to be involved in any other criminal case. The trial is not likely to conclude in the near future, as a de-novo trial has since commenced after summoning of the co-accused under Section 319 Cr.P.C. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial

Court/Duty Magistrate. 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.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

December 8, 2023
rps

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