

203.

2023:PHHC:159660

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

CRM-M-50854-2023

Date of decision: 13.12.2023

ROHIT KUMAR @ SHAMMA

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ish Puneet Singh, Advocate, for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

GURBIR SINGH, J. (Oral)

1. This is second petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.154, dated 10.09.2022 (Annexure P-1) registered under Sections 115 read with Section 302 of IPC and Section 25 of Arms Act, 1959 at Police Station City Nawanshahr, District SBS Nagar. The earlier petition i.e. CRM-M-13419 of 2023 was withdrawn vide order dated 24.04.2023.

2. The allegation against the petitioner is that he along with Om Bahadur @ Sahil, Rajinder Singh @ Nandi, Gurpreet Singh @ Gopi, Ranjodh Singh @ Jodha, Shashi Kumar and Rupesh Kumar, was apprehended with arms and ammunitions and they were planning to commit the murder of a person who was prime witness in 'Sukha Kahlwan' murder case, on the instructions of one Amrit Pal Singh, now resident of USA. One

country made pistol loaded with four live cartridges was recovered from the possession of the petitioner.

3. Learned counsel appearing on behalf of the petitioner has been falsely implicated in this case. He is behind bars since 10.09.2022. Challan in the case already been presented on 11.04.2022. He further submits that his co-accused have already been granted regular bail by this Court. He has relied on Annexure P-2 i.e. order dated 09.02.2023 passed in CRM-M-60493 of 2022 titled as *Gurpreet Singh @ Gopi Versus State of Punjab*; Annexure P-3 i.e. order dated 24.04.2023 passed in CRM-M-8747-2023 titled as *Om Bahadur @ Sahil Versus State of Punjab*; CRM-M-10459-2023 titled as *Ranjodh Singh @ Jodha Versus State of Punjab*; CRM-M-13611-2023 titled as *Rajinder @ Rajinder Singh @ Nandi Versus State of Punjab*. The petitioner claims parity to the co-accused. He further submits that nothing is to be recovered from the petitioner and thus, no useful purpose would be served by keeping him behind bars.

4. Learned State counsel has filed the custody certificate dated 12.12.2023, which is taken on record. He has opposed the bail to the petitioner keeping in view the seriousness of the allegations levelled against him. However, he has fairly submits that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and have gone through the paper book.

6. As per custody certificate dated 12.12.2023, the petitioner is in custody for the last more than 1 year, 2 months and 29 days and as per the status report dated 14.11.2023, out of total 17 prosecution witnesses, only 4

have been examined so far, one is given up and 12 are yet to be examined, So, completion of trial will take a long time and the fact that the co-accused of the petitioner have already been granted regular bail by this Court, no useful purpose would be served by keeping the petitioner behind bars for a long period.

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

8. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

December 13, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No