

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5510-2024
Date of Decision:08.02.2024

Shashi Kumar ...Petitioner

vs.

State of Punjab ...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present: Mr. Anil Kumar Spehia, Advocate
 for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 135 dated 31.08.2021, registered under Sections 302,34 of IPC and under Section 25 of Arms Act, Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar, District Jalandhar.
2. As per the case of the prosecution, at about 12:00 PM on 31.08.2021, Murti Kumar @ Goldy, a neighbour of the complainant informed him telephonically that Hansraj @ Kaku, his brother was lying on thoroughfare and someone had inflicted injuries on him. On this, the complainant reached there with Rajinder Kumar, who told that he had seen Hansraj @ Kaku and Shashi on a motorcyle at about 10/10:30 AM. The dead body of Hansraj @ Kaku was lying on the ground with two bullet injuries. Initially, the suspicion was raised against the present petitioner.
3. Learned counsel for the petitioner contends that the petitioner was

arrested in the present case on 01.09.2021 and as per the said statement, he had only taken away his friend Hansraj @ Kaku, since deceased. As per that, Jagpreet Singh @ Jagga had asked Shashi Kumar, petitioner to get rid of Hansraj @ Kaku and told him to bring Hansraj @ Kaku at the place of occurrence and in consideration, 10 grams of heroin would be given to him. On 31.08.2021, the petitioner allegedly brought Hansraj @ Kaku and informed Jagpreet Singh @ Jagga. As per the case of the prosecution, Jagpreet Singh @ Jagga had fired at Hansraj @ Kaku with his revolver and killed him. Learned counsel further submits that in the present case, no overt act has been attributed to the present petitioner. Even the petitioner had not taken the deceased at the place of alleged occurrence. Learned counsel further submits that the petitioner was arrested in the present case on 01.09.2021 and is in custody for the last about 2 years and 03 months. He further contends that only 01 witness has been examined so far and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is facing three more criminal cases and does not deserve the concession of bail.

5. I have learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 01.09.2021 and the challan has already been presented against him. Only 01 witness has been examined so far. Apart from that, it has been alleged by the prosecution that Jagpreet Singh @ Jagga had fired the shot at Hansraj @ Kaku, since deceased. Further, Khushdeep @ Khush has already been granted the concession

of bail by this Court.

6. 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/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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