

CRM-M-6403-2024

- 1 -

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231

CRM-M-6403-2024
Date of Decision : 18.04.2024

Kulwant Singh @ Lala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S. Rai, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.151, dated 11.08.2020 registered under Sections 302, 120-B, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959, at Police Station Samrala, Distt. Khanna, Ludhiana.

2. Learned counsel submits that the petitioner in custody since 28.08.2022 and only one prosecution witness out of 22 cited by the prosecution has been examined till date. It is further submitted that the only role attributed to the petitioner in the crime in question is of having conspired with the co-accused, who fatally injured the deceased with the fire arms they were carrying at the time of alleged occurrence. It has been further submitted that even as per the case of the prosecution, the petitioner was not present at the time of alleged occurrence nor was he in close vicinity of the place of occurrence; he came to be nominated as an accused subsequently only for conspiring with the co-accused in the crime in question. Learned counsel has submitted that identically placed accused Balwinder Singh, Amandeep Singh, Balwinder Singh @ Gola and Jagdeep Singh @ Dhuchi, who too had been

CRM-M-6403-2024

- 2 -

attributed the role of conspirators had been acquitted by learned trial Court vide judgment and order dated 16.01.2023 (Annexure P-8). Learned counsel has submitted that in the aforementioned facts and circumstances, since the sole material witness i.e. the complainant who allegedly spelt out the motive qua the petitioner to conspire in the murder of his son had been examined, his further incarceration would serve no useful purpose as there could be no apprehension of the petitioner intimidating or influencing the witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has not disputed that the only role attributed to the petitioner was of being a conspirator to the murder of Ravinder Singh @ Sonu. However, it has been submitted that the petitioner had absconded on the following day of the occurrence in question as a result of which he was declared as proclaimed offender. While he was absconding, he had been involved in another criminal case which fact finds reflected in his custody certificate, which has been placed on record. Learned State counsel, on further instructions from ASI Harinder Singh, has submitted that after the petitioner was arrested on 28.08.2022, recovery of a pistol along with 5 live cartridges was affected. Learned State counsel has thus submitted that very fact that the petitioner absconded after the occurrence in question clearly hinted towards his involvement in the crime in question. On a pointed query put to the learned State counsel as to whether the fire arm which was recovered from the petitioner was used in the crime in question, he, on instructions has replied in the negative. On a further query, learned State counsel has also not disputed that the sole material witness in the instant case i.e. the complainant, who had allegedly spelt out the motive qua the petitioner to conspire with the co-accused, had indeed been examined. It has also not been disputed that identically placed co-accused, who had faced trial, had been acquitted by the trial Court, though three other accused, who fired the fatal shots at the deceased, had been convicted by the trial Court.

4. I have heard learned counsel and perused the material on record.

5. The petitioner has been in custody since 28.08.2022. The sole material witness i.e. complainant stands examined. Concededly, no allegations have been levelled against the petitioner in the FIR in question of either being present when the occurrence in question took place nor is it the case of the prosecution that the weapon of offence had been provided by the petitioner.

6. The only allegation levelled against the petitioner is of being a conspirator to

CRM-M-6403-2024

- 3 -

the crime in question.

6. In the facts and circumstances, as enumerated hereinabove, the instant petition is allowed as the trial will take considerable time to conclude. The petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

(MANJARI NEHRU KAUL)
JUDGE

18.04.2024
monika

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