



223-3

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46586-2024

Date of Decision:- 25.11.2024

NEERAJ KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amitabh Tewari, Advocate for the petitioner.
(Through V.C.)

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Neeraj Kumar has filed petition under Section 483 of BNSS, 2023 for grant of regular bail in FIR No. 140 dated 31.10.2023 (Annexure P-1), under Sections 302, 307, 450, 506, 148, 149, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Nurpur Bedi, District Rupnagar.

2. As per facts of the case, Raj Kumar-complainant gave a statement that on 30.10.2023 after having supper he was present in house. His elder brother namely Karam Chand is also residing in the same premises, having common courtyard. Karam Chand disclosed that Ravi Kumar s/o Hari Ram had given threats to kill his son Sandeep Kumar on mobile phone. The complainant told his brother Karam Chand to talk about this in the morning. At about 10.00 p.m., when the light in the courtyard



Pampa s/o Roshan Lal, Lovely s/o Chammanlal, Dharam Pal s/o Sarup Ram and 10/15 persons entered their house. Ravi raised lalkara and he fired shot from his revolver. Rohit Kumar was also holding revolver who fired one shot which hit abdomen of his sister-in-law namely Geeta Devi wife Dharam Pal and fired one shot which hit near the waist of his brother Karam Chand. His nephew namely Sandeep Kumar received fire arm injuries on his face and one fire passed touching his left cheek. They fired several shots and other persons were armed with dandas (bamboo sticks) and kirpans (swords). On alarm raised by them, people in the neighborhood collected on the spot. The assailants left the house giving threats.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. He is running mobile shop in Nurpur Bedi. On the day of alleged occurrence, he returned home at about 9.34 pm and remain there till 11.50 pm. Still photographs of CCTV footage is Annexure P-2. Petitioner had contacted police authorities as he was apprehending threat for himself as well as his family. Large group of persons were roaming around his house. Petitioner was taken away by the police authorities from his house around 11.15 pm. After completion of investigation challan was presented on 18.01.2024 and supplementary challan was presented on 22.07.2024 (Annexure P-3). He is behind the bars since 31.10.2023. Trial in this case may take long time. He cannot be kept behind the bars for indefinite time period. His bail application was dismissed by learned Sessions Judge, Rupnagar vide order dated 09.02.2024 (Annexure P-4) without proper appreciation of facts and circumstances of the case. He is ready to abide by the terms and conditions of bail order. Therefore, his



4. Bail application is opposed by learned counsel representing State. Status report is filed confirming the facts detailed in the FIR. It is pointed out that present petitioner Neeraj Kumar along with Jaswant Singh @ Bantu were arrested from the forest of village Bholewal and Kartarpur on 31.10.2023. Present petitioner is specifically named in the occurrence. Two persons lost their lives i.e. Karam Chand & Geeta Devi and Sandeep Kumar had suffered gunshot injuries on his face. It is pointed out that chargesheet has been framed against petitioner along with co-accused and case is fixed for prosecution evidence for 18.11.2024. Considering the gravity of offence, petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. FIR has been registered on the statement of Raj Kumar and present petitioner is specifically named along with other co-accused. As per facts, occurrence took place at about 10 pm. Petitioner has annexed still photographs of the cameras installed in his house which are Annexure P-2. Relevance of still photographs annexed with the bail application and the defence raised by petitioner is matter of trial. In the case in hand, finding, prima-facie case chargesheet has been framed against petitioner along with co-accused and the case is pending for prosecution evidence which is yet to start. In the occurrence present petitioner along with co-accused attacked the victims by going to their house at 10 pm. Ravi Kumar and Rohit Kumar co-accused are attributed fire shots from their revolvers, as a result two persons Geeta Devi and Karam Chand lost their lives whereas Sandeep suffered gunshot injury. As per the status report, chargesheet was framed on 05.11.2024 and the case is fixed for prosecution



Kumar and Sandeep are yet to be recorded. Considering gravity of offence and the manner in which it has been committed, I do not find a fit case for regular bail at this stage.

- 6. Bail application is, accordingly, declined.
- 7. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

25.11.2024
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No