



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-48306-2023
Date of decision: 06.08.2024

DARSHAN LAL @ LUCKY

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Bhawesh Chaudhary, Advocate
for the petitioner. (Through V.C.)

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.165 dated 20.07.2021 under Sections 307, 34 of the IPC and Sections 25, 27 of the Arms Act (Section 302 of IPC added later on) registered at Police Station Division No.8, District Jalandhar.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand. He further submits that the petitioner has been in custody since 23.07.2021 and there is no likelihood of the trial concluding in the near future. It has been further apprised to the Court that the petitioner is not involved in any other criminal case.
3. In compliance of order dated 22.07.2024, status report by way of an affidavit of Daman Bir Singh, PPS, Assistant Commissioner of Police



(North), Police Commissionerate, Jalandhar has been filed by the State and the same is taken on record subject to all just exceptions. Copy of the same has been supplied to the counsel opposite.

4. Learned State counsel, while drawing the attention of this Court to the affidavit, has not disputed that the petitioner was not visible in the CCTV footage which was retrieved from the place of occurrence by the investigating agency following the alleged crime. However, learned State counsel has submitted that the petitioner's name surfaced in the disclosure statement of co-accused Raman Kumar who stated that the petitioner was waiting outside the place of occurrence on his motorcycle and after the deceased had been fatally injured, all the accused fled away on his motorcycle.

5. Learned counsel for the petitioner has reiterated the submissions made on the last date of hearing that he had been falsely implicated in the present case and all the six material witnesses including the complainant stood examined; the complainant had not supported the case of the prosecution as a result of which he had been declared hostile. Learned State counsel on instructions has not disputed the factum of the complainant having been declared hostile. It has also not been disputed that as many as 7 prosecution witnesses out of the 28 cited by the prosecution stand examined.

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



7. The following allegations were leveled in the FIR:

“Statement of Rahul Jain Son of Tarsem Jain Resident of House No. W-E 158, Tel Wali Gali, Near Gur Mandi, Police Station Division No. 4, Jalandhar Age About 25 Years, mobile No. 8437721231, stated that I am a resident of the said address and am doing Master's Degree from about it will be 9-15 PM on 19.07.2021, I was present at my house, my sister-in-law Sonam Jain's received a call on her mobile that Sachin Jain has been shot and is lying injured outside the shop. I reached at the shop of my brother Sachin Jain at Jain Sanj Karyana Store, Sodal Road, Jalandhar, I saw that there were many people gathered there. My brother Sachin was lying injured due to a bullet injury. I took my Activa and my brother Sachin Jain with the help of people there. First I took him to Tagore Hospital, then to Satyam Hospital, then to Joshi and then to Armaan Hospital, but no one admitted him because of the bullet wound, so I quickly admitted my brother Sachin to the Civil Hospital, who after giving first aid to my brother and further referred him to Patel Hospital, who is currently undergoing treatment in Patel Hospital. My brother Sachin told me on the way that three unknown boys came to the shop and one boy asked for beedi, then I refused that Beedi is not available on the shop, then they said that whatever you have get out, then he has raised noise, then one of the boy out of those three with intention to kill him has fired gun shot on him. Now he is undergoing treatment in the hospital. The said unknown persons has shot at my brother Sachin with the intention of killing him. Legal action should be taken against him. Statement Sd/- Rahul Jain said verification Kishore Kumar ASI Police Station Division No. 8 Commissionerate Jalandhar Date 20-07-2021.”

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.



8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 06, 2024
poonam

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