

2582024:PHHC:001782

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-150-2024 in/and CRM-M-64191-2023
Date of Decision: January 09, 2024

RUPINDER SINGH ALIAS AKASHDEEP SINGH ALIAS KAKU
.....Applicant/Petitioner

Versus

STATE OF PUNJAB.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Bhatheja, Advocate for the applicant-petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

CRM-150-2024

This is an application filed under section 482 CrPC for seeking correction of name of the petitioner in the memo of parties.

Notice of the application to non-applicant/respondent.

Mr. Gurlal Singh Dhillon, AAG, Punjab accepts notice on behalf of respondent-State and raises no objection to the prayer made in the application.

For the reasons mentioned in the application, the same is allowed and accordingly, the name of the petitioner be read as ‘Rupinder Singh Alias Akashdeep Singh Alias Kaka’ instead of ‘Rupinder Singh Alias Akashdeep Singh Alias Kaku’.

MAIN CASE

1. By way of present petition filed under Section 439 CrPC,

prayer has been made for grant of regular bail in case FIR No. 287 dated 22.12.2022 registered under Sections 302, 307, 427 & 34 IPC and Sections 25 and 27 of Arms Act at Police Station Dharamkot, District Moga wherein, the petitioner has been implicated on the allegations of having given fire-arm injury to the deceased Harpreet Singh resulting into his death.

2. The prayer made herein has been opposed at the instance of learned State counsel while submitting that though, the material witnesses have turned hostile having failed to identify the petitioner, yet, recovery of 32-bore pistol with 3 live cartridges was effected from the present petitioner.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the injured-complainant namely Arshdeep Singh who appeared as PW-1 besides the real brothers of the deceased who appeared as PW-2 and PW-3 failed to identify the petitioner in Court, being the person who fired shot at the deceased besides the injured-complainant. There is no other FIR pending against the petitioner. Moreover, he is in custody for the past more than one year by now and the trial is likely to take some time, thus, this Court does not find justification to extend his incarceration any further. Equally important, the other co-accused have already been granted the concession of regular bail by this Court. Evidentiary value of the recovery effected

from the petitioner besides the FSL report shall no doubt be gone into at the stage of trial.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

09.01.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>