



**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11281-2025

Date of decision : 05.03.2025

Deepak Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Shashank Shekhar Sharma, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.46 dated 23.06.2023, under Sections 302, 212 and 120-B of IPC and Sections 25, 54 and 59 of Arms Act, 1959, registered at Police Station Talwandi Bhai, District Firozpur, Punjab.

2. Succinctly facts of the case are that the FIR has been registered on the statement of Amrit Lal Chhabra wherein it was alleged that on 23.06.2023, he and his nephew Ravi Kumar arrived at their shop in the morning. In the noon, they left the shop for taking the lunch asking Prem Kumar who was working as a Manager at Sanatan Dharamshala to look after the shop while they were away for lunch. When they returned at about 2:30 PM, two persons with muffled faces arrived on the motorcycle. They parked their motorcycle outside their shop. The pillion rider was holding 9 mm pistol and by entering in the shop, he started firing with the pistol. On raising alarm, both the assailants escaped on their motorcycle and on entering the shop, complainant found that Prem Kumar was shot in



his left thigh. They admitted him to Medicity Hospital, Moga for treatment however, he succumbed to the injuries due to excessive bleeding. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. During investigation, the identity of both the assailants was established to be Krishan Kumar and Gurinder Singh @ Kaka. On disclosure statement of co-accused Krishan Kumar, the complicity of the petitioner was also found and hence, he was also arrayed as an accused in the present FIR. He was arrested on 23.07.2023. Petitioner approached the Court of learned Additional Sessions Judge-I, Ferozepur, however, after hearing counsel for both the sides, the same was declined vide order dated 10.09.2024 (in the order inadvertently written as 10.09.2028). Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner was neither named in the FIR nor any overt act was alleged against him. He submits that during investigation son of the petitioner, Krishan Kumar was arrested who was alleged to be one of the accused who fired at the deceased. He submits that the allegations made against the petitioner on the disclosure statement are to the effect that Krishan Kumar disclosed about his intentions for committing murder of Prem Kumar. He submits that the disclosure statement of co-accused is not even an admissible evidence. He contends that the case of the prosecution is virtually without any evidence against the petitioner. He submits that petitioner is behind bars since 23.07.2023. Co-accused Nishan Singh has already been granted bail vide order dated 16.01.2025 passed in CRM-M-34744-2024 and the case of the petitioner is on much better footing than



the co-accused, Nishan Singh. He submits that petitioner has no criminal antecedents as he has never been involved in any other case.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that though the petitioner was not named in the FIR however, during investigation his complicity has been established. He submits that co-accused Krishan Kumar who fired at the deceased is none other than son of the petitioner. He thus, submits that from the facts and circumstances of the case, the conspiracy of the petitioner with co-accused is found to have been established. He has placed on record custody certificate of the petitioner. He has submitted that the challan is presented however, charges are yet to be framed.

5. After hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present case has taken place on 23.06.2023. During investigation, the identity of two of the accused who fired has been established. Petitioner has been arrayed as an accused on the statement of co-accused Krishan Kumar who is son of the petitioner. The allegations against the petitioner are for the conspiracy of murder of Prem Kumar with co-accused. The custody certificate of the petitioner would show that he has suffered incarceration of 01 years 07 months and 06 days as on 04.03.2025. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel



for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.03.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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