



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

CRM-M-34744-2024

Date of decision : 16.01.2025

Nishan Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rehat Bir Singh Mann, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.46 dated 23.06.2023, under Sections 302, 212, 120-B of IPC and Section 25/54/59 of Arms Act, 1959 (offence punishable under Sections 212, 120-B of IPC added later on), registered at Police Station Talwandi Bhai, District Ferozepur, Punjab.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of Amrit Lal Chhabra. It was alleged that on 23.06.2023, he and his nephew had come to their shop in the morning. In the afternoon when they were about to go to their house for having lunch, they asked Prem Kumar to look after their shop. After having lunch, they reached their shop. Then at about 02:30 PM, two persons with muffled faces parked their motorcycle in front of their shop. The person sitting pillion on the motorcycle was holding 9mm pistol in his hand, got down and entered their shop and started firing. He fired 6-7 rounds at Prem Kumar who received firearm injury on his thigh of left leg. They immediately shifted to Medicity Hospital, Moga. However, he died during treatment. Request was made to take legal action against the culprits. On registration of the FIR, investigation



commenced. Petitioner was arrayed as an accused in the present case and during investigation, he was arrested 11.08.2023. He approached the Court of learned Additional Sessions Judge, Ferozepur praying for grant of bail. However, after hearing counsel for both the sides, the same was dismissed by the learned Additional Sessions Judge, Ferozepur vide order dated 28.02.2024. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that neither petitioner is named in the FIR nor he has played any overt act in the present case. He submits that the occurrence in the present case had taken place on 23.06.2023 whereas, the petitioner has been arrayed as an accused during investigation on the allegation that the main accused namely, Gurinder Singh @ Kaka and Krishan Kumar @ Kaka after committing the alleged murder parked their motorcycle in the house of the petitioner. Hence, petitioner was arrested on 11.08.2023. He submits that petitioner had hatched in conspiracy etc for the alleged murder and it is simply on the allegation that the accused had parked their motorcycle in their house and hence, for the offence under Section 212 IPC, petitioner has been arrayed as an accused. He submits that though petitioner is involved in other cases as well, however, he is on bail in those cases. He thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel however, has opposed the submissions made by counsel for the petitioner. He has submitted that the vehicle used in the offence was parked by the main accused in the house of the petitioner and thus, there was meeting of minds of the petitioner with the main accused. He submits that the petitioner not only harboured the main accused but he threw away the motorcycle used by the accused in the Rajasthan Feeder water body.

He has submitted that the petitioner is also involved in four other cases. He has

submitted that investigation is complete however, charges are yet to be framed. He thus, submits that the motorcycle was thereafter, recovered on the disclosure statement recorded under Section 27 of the Evidence Act of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts and circumstances of the case that the petitioner had allegedly allowed the co-accused to park his motorcycle used in the offence in his house which was later on thrown in the canal. Vide Rapat No.19 dated 10.08.2023, offence under Section 212 IPC was added in the FIR which is alleged against the petitioner. The motorcycle used was parked in the house of the petitioner after committing offence under Section 302 IPC by the co-accused. Though the petitioner is involved in other cases as well however, he is said to be on bail in those cases. Needless to say that petitioner is behind bars since the date of his arrest. The investigation is complete.

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.

16.01.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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