

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

Date of Decision: 8th December, 2022

1. CRM-M-18825-2021

Kulwinder Singh @ Kala

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

2. CRM-M-44824-2021

Siva @ Shiva Veeran

... Petitioner

Versus

Union Territory, Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. P.S. Bindra, Advocate and
Mr. Nikhil Ghai, Advocate for the petitioner
(in CRM-M-44824-2021).
Mr. Vivek Kathuria, Advocate for the petitioner
(in CRM-M-18825-2021).
Mr. C.S. Bakshi, Addl. APP, U.T., Chandigarh.

AVNEESH JHINGAN, J.(Oral)

1. These two petitions are filed seeking regular bail in case of FIR No. 102, dated 31st May, 2020, under Sections 452, 307 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 27 of Arms Act, 1959 (Section 120-B, 212, 216 of IPC added later on), registered at Police Station South, Sector 34, Chandigarh.

2. FIR was at the instance of Arvind Singla (complainant) a liquor contractor, having vends in Chandigarh as well as in Punjab. His brother Rakesh Singla is residing near his house. The complainant was provided P.S.O. by the Punjab Police and there were private security guards at the gate of his house. On 31st May, 2020 at about 5:30 P.M., four youngsters came and asked the security guards that they want to meet

the complainant. When told that complainant was not at home they went away. Little later, a telephonic message was received from the mother of the complainant that four boys have open fired at the house of Rakesh Singla. They tried to target Rakesh Singla who escaped by entering into the house and the boys fled away in a car. As per allegations, Kulwinder Singh @ Kala and Siva @ Shiva Veeran had provided help and shelter to the accused who carried out a shoot out. Further Siva @ Shiva Veeran borrowed one activa used for recce.

4. Mr. Bipan Ghai, Senior Advocate appearing on behalf of the petitioner-Siva @ Shiva Veeran submits that petitioner is in custody since 18th June, 2020; he is not involved in any other case and he was nominated on the basis of disclosure statement.

5. Mr. Vivek Kathuria, Advocate appearing on behalf of the petitioner Kulwinder Singh @ Kala submits that petitioner is in custody since 12th June, 2020, no recovery was made in this case. He further submits that petitioner was nominated in FIR No. 103, dated 3rd June, 2020, under Sections 25 of Arms Act, 1959 and Section 188 of Indian Penal Code, 1860, Sector 34, Chandigarh in which he was granted bail.

6. Learned counsel for U.T., Chandigarh opposes the prayer for grant of regular bail and submits that petitioners had lend help to the accused who carried a shoot out.

7. It is clarified that observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

8. Considering the facts and circumstances in totality and that petitioners are in custody for more than two years and four months; they were nominated on the basis of a disclosure statement; petitioner-Siva @ Shiva Veeran has no criminal antecedents; no recovery was made from

petitioner-Kulwinder Singh @ Kala in this case and that conclusion of trial is likely to take time, the petitioners are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petitions are allowed.

10. A photocopy of this order be placed on the files of connected cases.

(AVNEESH JHINGAN)
JUDGE

8th December, 2022

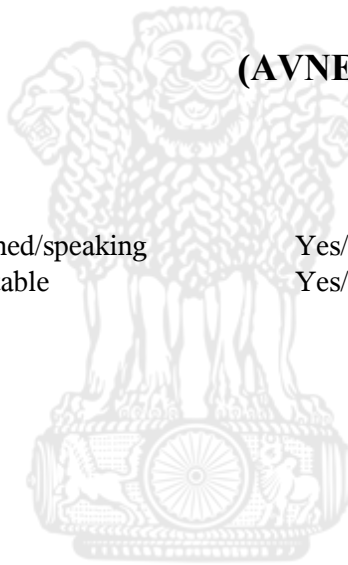
Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No



सत्यमेव जयते

