

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208

CRM-M No.720 of 2015

Date of Decision:20.02.2015

Jarnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Ms.Satwant Mehta, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

**Mr.H.S.Batth, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Bikar Singh son of Sulakhan Singh, Sukhwinder Singh son of Channan Singh and other main co-accused, vide FIR No.43 dated 15.03.2013, on accusation of having committed the offences punishable under Sections 302, 307, 148, 149 IPC read with Sections 25 & 27 of The Arms Act, by the police of Police Station Bhikhiwind, District Tarn Taran.

2. Notice of the petition was issued to the State.

3. Having heard the learned counsel for the parties, having gone through the record with their valuable assistance and after bestowal

of thoughts over the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Concisely, the prosecution, *inter alia*, claimed that on 15.03.2013, the petitioner was the member of an unlawful assembly, whereas his other main co-accused caused injuries to injured PWs with their respective weapons, culminating into the death of Guravtar Singh and Dharambir Singh. Neither any specific role nor any particular injury, having been caused either to the deceased or any other injured PWs, is attributed to the petitioner in the FIR. He was stated to be just present at the spot and raised only 'lalkara'. All the main allegations of commission of crime were assigned to other main co-accused(non-petitioners). In that eventuality, as to whether the petitioner was having the requisite knowledge/intention and the penal provision of vicarious liability, as contemplated under Section 149 IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be the moot points to be decided after receipt of evidence of the parties during the course of trial by the trial Court. Taking into consideration the fact that no injury/part is attributed to the petitioner, to me, he is entitled to the concession of regular bail in the obtaining circumstances of the case.

5. Moreover, during the course of investigation, the petitioner was found innocent and the police submitted an application to discharge him, but the same was declined by the Magistrate. Thereafter, he was arrested in this case on 14.11.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal

case. The final conclusion of trial will naturally take a long time.

6. Not only that, Bikar Singh and Sukhwinder Singh, similarly situated co-accused of the petitioner, were granted the concession of regular bail, by means of order dated 16.05.2014(Annexure P-4) in main petition bearing CRM-M No.42718 of 2013 by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

February 20, 2015
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(MEHINDER SINGH SULLAR)
JUDGE