

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

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**CRL. MISC. No.M-45727 OF 2016**  
**DATE OF DECISION : 16<sup>th</sup> FEBRUARY, 2017**

**Harpreet Singh**

.... **Petitioner**

**Versus**

**Central Bureau of Investigation & another**

.... **Respondents**

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI**

\* \* \* \*

Present :     Mr. Bipan Ghai, Senior Advocate with  
                  Mr. Simrandeep S. Sandhu, Advocate for the petitioner

                  Mr. Sumeet Goel, Advocate Retainer Counsel  
                  for respondent No.1-CBI.

                  Mr. Daljeet Singh Virk, AAG, Punjab.

                  Mr. H. S. Randhawan, Advocate for the complainant.

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**A. B. CHAUDHARI, J. (ORAL)**

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.39 dated 23.02.2013 registered under Section 302 read with Section 34 IPC at Police Station Kotwali, District Patiala.

Heard learned counsel for the rival parties.

The Punjab Police has registered the offence initially under Section 302 IPC and challan was also filed but the complainant felt aggrieved and approached this Court for handing over the investigation to the CBI. The investigation was then handed over to the CBI by this Court. The CBI conducted further investigation in the matter and has come to the conclusion that the offence under Section 306 is made out and accordingly challan has been filed.

Learned counsel for the CBI has vehemently opposed the petition for bail. The learned counsel for the CBI further submits that the

earlier FIR registered and challan filed by Punjab Police will automatically merge into the challan filed by the CBI since that is under the order of the High Court. There is substance in contention made by Mr. Sumeet Goel, Advocate.

Though the complainant is not party to the proceedings, I have heard Mr. H. S. Randhawa, Advocate for the complainant, who has vehemently opposed the petition for bail. He submits that challan filed by the Punjab Police, as well as by the CBI, both will continue, which submissions is misconceived in my opinion, since the complainant himself approached this Court for handing over of the investigation to the CBI and only then the CBI filed challan. The complainant cannot be allowed to continue like this.

Be that as it may. The CBI has filed the chargesheet which required trial. Looking to the nature of the offence registered under Section 306 and the fact that the petitioner is in custody for 03 years and about 11 months, it would not be appropriate to continue with the detention of the petitioner under trial *ad infinitum*. Hence, I am inclined to grant bail to the petitioner.

Bail to the satisfaction of the concerned CJM/Duty Magistrate.

The complainant is at liberty to apply for addition of condition, if any, if the occasion arises.

16<sup>th</sup> February, 2017  
'raj'

(A. B. CHAUDHARI)  
JUDGE

*Whether speaking/reasoned:*                      Yes                      No

*Whether Reportable:*                              Yes                      No