

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

Crl. Misc. No.M-11926 of 2018

Date of Decision: 07.09.2018

Tarsem Singh @ Seemi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. H.S. Maan, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

Mr. S.S. Brar, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.111 dated 31.10.2016 registered under Sections 302, 341, 148, 149, 120-B IPC and Section 201 IPC (added later on) and Sections 27/54/59 of the Arms Act at the time of presentation of challan at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved in the commission of offence. As per allegations levelled in the FIR, the petitioner came at the alleged spot and was sitting on the tractor along with co-accused Sandeep @ Seepa, who was driving his tractor. The petitioner caught hold the deceased along with other co-accused but no specific role and injury has been attributed to him. Learned counsel also submits that the allegations are

general in nature and co-accused of the petitioner, namely, Sikander Singh @ Babbu and Gurpreet Singh have been released on regular bail in ***Crl. Misc. No.M-23202 of 2017*** vide order dated ***12.07.2017*** and ***Crl. Misc. No.M-2864 of 2018*** vide order dated ***01.02.2018*** respectively. Learned counsel also submits that co-accused Jasvir Kaur, who actively participated and instigated in the alleged incident as per version of the complainant, has been granted regular bail in ***Crl. Misc. No.M-23178 of 2017*** vide order dated ***12.07.2017***. The petitioner is in custody since 03.11.2016 and no useful purpose would be served by keeping him in custody. All material witnesses have been examined as there are total 20 PWs and 10 PWs have been examined.

Learned State counsel has not disputed the custody period and also grant of regular bail to co-accused.

However, learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence and also that there is difference between the role played by the petitioner and co-accused, who have been released on regular bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, co-accused of the petitioner, namely, Sikander Singh @ Babbu, Gurpreet Singh and Jasvir Kaur have been released on regular bail vide different orders and the petitioner herein is on better footing *viz-a-viz* said co-accused. The petitioner is in custody since 03.11.2016. All material witnesses have been examined and there is no

purpose to keep the petitioner behind bars when co-accused have been released. The trial may still take some time to conclude.

Accordingly, the present petition is allowed and petitioner, namely, Tarsem Singh @ Seemi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

07.09.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No