

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24081 of 2018

Date of Decision: 08.08.2018

Happy

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M-4383 of 2018 (O&M)

Jaspal Singh @ Shera

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Ramdeep Partap Singh, Advocate, for the petitioner
(in CRM-M-24081 of 2018).
Mr. Ramesh Sharma, Advocate, for the petitioner
(in CRM-M-4383 of 2018).
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, I shall dispose of above-titled two petitions under Section 439 Cr.P.C. for grant of regular bail to petitioners, namely, Happy and Jaspal Singh @ Shera in a case arising from FIR No.202 dated 24.11.2017 registered under Sections 302, 201, 148, 149 IPC and Section 3(2-V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to the prosecution, in the evening of 23.11.2017, 6/7 unknown young persons armed with deadly weapons like swords, datars and baseball bats etc. committed murder of Ashok Kumar by causing injuries with their respective weapons near Babu Jagjiwan Ram Chowk, Jalandhar.

Consequently, police registered aforesaid FIR. During investigation, complicity of the petitioner Jaspal Singh was found. On his arrest on

26.11.2017, he, admitted his guilt and got effected recovery of sword used by him in the commission of crime. He also named petitioner Happy as his co-accused in his disclosure statement for participating in the commission of crime and causing injuries with his baseball bat to deceased Ashok Kumar.

Learned counsel for the petitioner *inter alia* contends that petitioners were not named in the FIR. Their complicity in the crime on the basis of disclosure statement of co-accused is a very weak type of evidence. Alleged extra-judicial confession made by Jaspal Singh along with his co-accused before one Sheetal is a deliberate attempt of the police to falsely implicate the petitioners. Happy is behind bars since 09.01.2018 and Jaspal Singh @ Shera is behind bars since 26.11.2017. Final report under Section 173 Cr.P.C. has been submitted, but framing of charge-sheet and conclusion of trial may take a long time. No useful purpose would be served by keeping the petitioners behind bars.

Learned State counsel has vehemently opposed the bail application.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petitions are allowed. Consequently, petitioners are ordered to be released on bail, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

August 08, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No