

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13280-2019 (O&M)

Date of Decision: 10.05.2019

Harpal Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Khehar, Advocate for the petitioner.

Ms. Sunint Kaur, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This is the second petition preferred by the petitioner under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.26 dated 28.3.2015 registered under sections 302, 396 I.P.C at Police Station, Dina Nagar, District Gurdaspur.

Counsel for the parties have been heard.

It may be noticed that vide order dated 23.5.2016 passed by this Court in CRM-M-871-2016 the present petitioner along with co-accused Jaswant Singh @ Jassa and Kirpal Singh @ Noni had been granted benefit of regular bail.

The order dated 23.5.2016 reads in the following terms:-

“This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case F.I.R. No.26 dated 28.3.2015 under sections 302, 396 I.P.C registered at Police Station, Dina Nagar, District Gurdaspur.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Narender Singh, who claimed to be working as a Salesman at Ever Care Filling Station, Gurdaspur. Complainant stated that

on the intervening night of 27/28.3.2015 at about 2 A.M when he was sleeping at the petrol pump, one unknown person came and asked for water. Even before such person was given any assistance, he passed away. Complainant further asserted that such unknown person was bleeding and there were numerous injuries on his person.

It was a blind F.I.R and in which no assailant had been named.

Deceased was identified as Sukhbir Singh by his father on 31.3.2015 It so transpires that during the course of investigation the statement of one Jasbir Singh was recorded on 17.4.2015 and who claimed himself to be a transporter and owning a truck bearing registration no. PB- 13-W-8917. Jasbir Singh stated that Sukhbir Singh (since deceased) was employed as a driver. Jasbir Singh has further stated that truck has been snatched away and the driver i.e. Sukhbir Singh was given injuries. On the basis of the statement of Jasbir Singh, the present petitioners have been implicated.

Prosecution is also relying upon the disclosure statements recorded of the petitioners themselves on 18.5.2015 as regards their complicity in the offence.

It has gone uncontroverted that the recovery of the vehicle has not take place till date.

Petitioners, who were stated to be involved in yet another F.I.R, were brought on production warrants and have been shown to be arrested in the present case on 18.5.2015.

Learned State counsel has further apprised the Court that after completion of investigation, presentation of challan and framing of charges, only one prosecution witness out of 29 cited, has been examined.

Trial is stated to be still at the initial stage and would take time to conclude.

Without making any observations on merits, present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Gurdaspur in

the present F.I.R., if, not shown as arrested in any other case.

Petition disposed of.”

Apparently, the petitioner thereafter did not appear before the Trial Court and was declared a Proclaimed Offender on 8.9.2017.

Learned State counsel would vehemently oppose the instant petition by submitting that the petitioner does not deserve any indulgence having evaded the trial proceedings.

Be that as it may, learned State counsel upon instructions from ASI Gurdev Singh concedes that the petitioner thereafter was arrested on 24.7.2018.

It has also gone uncontroverted that co-accused Jaswant Singh @ Jass and Kirpal Singh @ Noni have since earned acquittal.

Petitioner has now faced incarceration since 24.7.2018.

Without making any observations on merits, present petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of CJM/Duty Magistrate, Gurdaspur.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.05.2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No