

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-15479-2019

Harjit Singh @ Raja Topi

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-19007-2019

Sunny Khural @ Machhi

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 29.05.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. CS Rana, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. AG, Punjab.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, above titled two petitions filed under Section 439 Cr.P.C. by the petitioners for grant of regular bail are being disposed of, being arisen out of same FIR, bearing FIR No. 93 dated 09.03.2018 registered under Sections 302, 307, 323, 506 read with Section 34 IPC (Section 452 IPC added later on) at Police Station Daba, District Ludhaina. For brevity, the facts are being extracted from CRM-M-15479-2019.

The petitioners are facing trial in the aforesaid FIR, on the allegations that complainant-Jagdeep Singh, had borrowed ₹1,00,000/-

from Sunny Khural @Machhi (petitioner in CRM-M-19007-2019) which he returned to him after 3-4 months without obtaining any receipt. Thereafter, Sunny Khural @ Machhi, illegally raised exorbitant demand of ₹1,20,000/- towards interest on the aforesaid amount, whereupon the complainant and his mother-Amarjit Kaur, asked that they had already returned the principal amount and in short time, they would return the interest amount also. On 09.03.2018, both the petitioners trespassed the house of the complainant and gave beatings to him and his father-Balbir Singh. When Amarjit Kaur-mother of the complainant tried to rescue them from the clutches of the petitioners, they hit the head of father of complainant with a wall and threw him on the ground. As a result thereof, father of the complainant became un-conscious and later on died in the hospital.

Learned counsel for the petitioners by placing on record certified copies of statements of PW-1 Amarjit Kaur (mother of complainant) and PW-2 Jagdeep Singh-complainant, submits that both the witnesses have turned hostile. Both the petitioners are in custody since 09.03.2018. Conclusion of trial may take a long time. Only formal witnesses remained to be examined. No useful purpose would be served by detaining them in jail.

On the other hand, learned State counsel vehemently opposing the submissions of learned counsel for the petitioners submits that petitioner-Sunny Khural @Machhi, is booked in one more case of heinous crime.

Considering overall facts and circumstances, but without

expressing any opinion on the merits of the case, both the petitions are allowed. Consequently, petitioners-Harjit Singh @ Raja Topi (in CRM-M-15479-2019 and Sunny Khural @ Machhi (in CRM-M-19007-2019), are ordered to be released on bail pending trial, if, not required in any other case, on their furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

May 29, 2019
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(RAMENDRA JAIN)
JUDGE

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