

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-18257 of 2019 (O&M)

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Date of decision:28.08.2019

Harpal Singh and others

...Petitioners

v.

State of Punjab and others

...Respondents

....

(2) Criminal Misc. No.M-24566 of 2019

.....

Mohinder Kaur

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Anmol Rattan Sidhu, Senior Advocate with Mr. Vibhor Bansal and Mr. A.G. Khan, Advocates for the petitioners in Cr. Misc. No.M-18257 of 2019.

Mr. Ashok Giri, Advocate for the petitioner in Cr. Misc. No.M-24566 of 2019.

Mr. Sidakmeet S. Sandhu, Assistant Advocate General, Punjab for the respondent-State.

Mr. Gurcharan Dass, Advocate for the complainant.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 439 Cr.P.C. for grant of regular bail in criminal complaint No.159 dated 20.5.2002 titled as “Daljit Singh Vs. Harpal Singh and others”, wherein charges were framed for the offences under Sections 304-A and 120-B IPC vide order dated 2.3.2009 (wherein the petitioners were granted bail since the offences were bailable), but subsequently the petitioners were taken into judicial custody on committal of case to the Court of Session under Sections 302, 120-B and 34 IPC, vide order dated 30.3.2019 pending before the Court of learned Additional Sessions Judge, Rupnagar.

Notice of motion was issued in these cases.

Mr. Sidakmeet S. Sandhu, learned Assistant Advocate General, Punjab has appeared on behalf of the respondent-State and Mr. Gurcharan Dass, learned Advocate has appeared for the complainant and contested these petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

At the time of arguments, it has been brought to my notice that earlier challan was presented and trail was initiated for the offences 304-A and 120-B IPC. When the case was fixed for defence evidence, then the learned trial Court committed the case by stating that that the offence under Section 302 IPC appears to be involved in the case and at that time the petitioners were taken into custody while committing the case.

Learned counsel for the petitioners argued that the occurrence is of 1993 and the summoning order in the complaint was passed in the year

2003 and the petitioners were released on bail in 2008 as at that time the main offence was under Section 304-A IPC. It remained admitted fact that the petitioners remained on bail from the year 2008 to 2019 and there is no allegation, at any stage, that the petitioners tried to tamper with the evidence or tried to misuse the concession of the bail. Now the petitioners have been in custody since March 2019. The trial of the case is likely to take long time. No useful purpose will be served by keeping the petitioners in custody till the final disposal of the case especially in view of the facts and circumstances of the present case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, these criminal miscellaneous petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing personal bond in the sum of ₹50,000/- each with one surety each in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 28, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No