

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

217

CRM-M-50014-2019

Date of decision: 09.12.2019

Surjit Singh @ Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.76 dated 07.04.2018 under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") registered at Police Station Meharban, District Ludhiana, to which Section 212, 216, 148 and 149 of the IPC were added lateron and Section 34 was deleted.

Mr. Arun Kaundal, DAG, Punjab has appeared on behalf of the respondent-State and opposed the bail application. However, no reply has been filed by the State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case due to being brother of co-accused Balwinder Singh @ Kala. The petitioner was not present on the spot at the time of alleged occurrence. Even as per the

prosecution version, the petitioner is not attributed the role of having caused any injury to the deceased or to any other person. The petitioner is in custody for more than 1 ½ years. The petitioner is not involved in any other case. The petitioner is ready to comply with the terms and conditions regarding his appearance before the Court. No useful purpose will be served by his further detention in custody during trial. Therefore, the petitioner may be ordered to be released on bail.

On the other hand, learned State counsel has submitted that the petitioner along with his co-accused committed murder of Amritpal Singh and does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In the present case the petitioner, who is stated to be armed with wooden stick, is not attributed any injury caused on the person of the deceased and is merely attributed the role of having stopped complainant-Mohinder Singh, his son Prabhkirpal Singh and his nephew Manmohan Singh from rescuing deceased Amritpal Singh. The questions as to his presence on the spot, sharing of common object and participation in the crime are yet to be determined on the basis of evidence to be produced during trial but keeping in view the facts and circumstances of the case particularly the role attributed to the petitioner, the fact that co-accused Gurwinder Singh @ Lucky has been granted bail by this Court vide order dated 10.09.2018 and also the fact that the trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate, Ludhiana.

09.12.2019

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(ARUN KUMAR TYAGI)
JUDGE

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