

CRM-M-3762 of 2020

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

CRM-M-3762 of 2020
Date of Decision: 05.02.2020

Nirbhai Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. R.S. Sidhu, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.
Ms. Harpreet Kaur, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Nirbhai Singh in a case arising from FIR No.22 dated 01.04.2017 registered under Sections 302, 307, 452, 427, 506, 148, 149 IPC, Sections 25, 27, 30 of the Arms Act, 1959 at Police Station Valtaha, District Tarn Taran.

Briefly, on 31.03.2017, a group of 15/20 persons, some of whom were armed with deadly weapons like double barrel guns, *takua* and *danda* etc., committed murder of two persons, namely, Kulwant Singh and Gurwinder Singh after demolishing wall of complainant Budh Singh. Petitioner was one of the members of those assailants.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in this case. No injury has been attributed to him. Petitioner is in custody since 12.04.2017. Co-accused of the petitioner,

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namely, Kuldip Singh @ Lada, Pardeep Singh @ Bittu and Gurpal Singh have been granted regular bail by this Court vide order dated 21.01.2020 passed in CRM-M-11387 of 2019 and connected petitions. Conclusion of trial may take sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more. Treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted regular bail.

On the other hand, learned State counsel, assisted by learned counsel for the complainant, vehemently opposed grant of regular bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Treating the case of the petitioner on the same parity as that of his aforesaid co-accused, he (Nirbhai Singh) is ordered to be released on bail during pendency of trial, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

February 05, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No