

Sr.No.205

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

CRM-M-8726-2020

Date of decision:18.09.2020

Baljit Singh @ Bikka

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Vishva Bahl, Advocate
for the petitioner.

Mr. Ashok Pathak, AAG, Punjab.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed for seeking regular bail in FIR No.0219, dated 05.10.2017 for the offences punishable under Sections 302,392, 216, 120-B, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Sadar, District Amritsar.

Learned counsel for the petitioner has submitted that in the present case the aforesaid FIR was registered on the basis of death caused to Baljinder Singh and the petitioner's name was nominated only on the basis of disclosure statement of the co-accused in which the name of Simran Singh alongwith 2-3 boys was taken. He has submitted that in the present case investigation is already complete, even charges have been framed and the matter is fixed for prosecution evidence. He has submitted that so far as the present petition is concerned the only allegation against the petitioner is based upon the disclosure statement of the main accused Simran Singh that to the fact that the petitioner had harboured the main accused. He has

further submitted that even charges which have been framed against the petitioner pertaining to Section 216 IPC and they were not under Section 302 IPC. He has further submitted that the petitioner is in custody since 29.07.2019 and there is only one case against the petitioner and in that also the allegation was with regard to the harbouring of the main accused. It is further submitted that petitioner has already been granted the bail in another case on similar footing. Further submitted that the petitioner has been wrongly roped in the present FIR.

Learned State counsel has submitted that it is correct that the charges which have been framed against the petitioner do not pertain to Section 302 IPC and pertain to Section 216 IPC for harbouring only. It is also not disputed that the petitioner was nominated only on the basis of the disclosure statement of the main accused. Custody period of the petitioner is also not disputed by the learned State counsel.

I have heard the learned counsel for the parties and perused the available record. So far as the factual position is concerned, specially considering the fact that the petitioner is charged only for Section 216 IPC and due to his long incarceration, this Court deems it fit and appropriate to admit the petitioner to bail.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. She be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

18th September, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>