

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

CRM-M-22140-2020(O&M)

Date of decision: 30.09.2020

Pahal Singh @ Pehl Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.S. Nara, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 102 dated 01.05.2019 registered under Sections 148, 149, 201, 302, 323 and 364 IPC, at Police Station Mullana, District Ambala, and final report under Section 173 Cr.P.C. for commission of offence under Sections 148, 149, 201, 302, 323 and 364 IPC dated 29.07.2019.

Learned counsel for the petitioner states that neither the petitioner has been named in the FIR, nor any specific allegation has been attributed to him. The petitioner has been indicted in the present case, on disclosure statement of the main accused. He further submits that Kuldeep Singh, husband of Harjinder Kaur, called deceased-Manpreet Singh

and others for compromise, which had been effected on 29.04.2019 (Annexure P-2) in Women Police Station, Yamuna Nagar and it was shown that deceased-Manpreet Singh was lying in a car because of injury. After the compromise, the complainant party had left for Rajasthan and injured-Manpreet Singh died there on the next day.

Learned counsel for the petitioner further points out that the aforesaid compromise effected between the parties in the police station was duly signed by Manpreet Singh (since deceased) and, if he so badly injured, then how could he had negotiated with the main accused and his wife and had signed the compromise. He further contended that had Manpreet Singh (since deceased) been so much injured, the police would have provided him treatment in the nearest hospital. It could be a case of an accident on the way to Rajasthan from Haryana and taking the advantage of the same, the complainant party has falsely implicated the petitioner and others.

He further submits that co-accused Gurdeep Singh, has already been granted regular bail by a Coordinate Bench of this Court, vide order dated 28.09.2020. The petitioner has been in custody for the last 1 year and 4 months.

Learned State counsel has not disputed the fact regarding the custody period of the petitioner. He states that there are specific allegations against the petitioner being a member of an unlawful assembly. Out of 25 prosecutions witnesses, only 2 witnesses have been examined so far and the next date of hearing before the learned trial Court is 15.10.2020.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 1 year and 4 months. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

30.09.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No