

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

CRM-M-34833 of 2020 (O&M)
Decided on:- November 19, 2020.

Jaspal Singh @ Pala.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Nishan Singh Chahal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-26593-2020

Exemption application is allowed as prayed for.

CRM-M-34833-2020

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.76 dated 13.07.2014 under Sections 302, 376 and 201 read with Section 34 IPC registered at Police Station Dialpura, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 08.10.2019. The Challan was presented in the case on 07.01.2020 and the charge was framed on 05.03.2020. No prosecution witness has been examined in the case till date.

He has further submitted that co-accused Jagtar Singh @ Tari has been acquitted in the case by learned Additional Sessions Judge, Bathinda vide judgment dated 03.08.2017 (Annexure P-2). In the said trial, neither PW5 Jagroop Singh nor PW7 Paramjit Kaur-complainant had supported the prosecution version.

He has further contended that considering the fact that Jagroop Singh (PW5) and complainant Paramjit Kaur (PW7) had not supported the prosecution version, this Court has admitted co-accused Harmesh Singh @ Meshi @ Gora on regular bail vide order dated 15.10.2020 passed in **CRM-M-31738 of 2020** titled as **Harmesh Singh @ Meshi @ Gora Versus State of Punjab**. The case of the petitioner is at par with co-accused Harmesh Singh.

Learned State counsel does not dispute the custody of petitioner and the fact that the case of petitioner is similar to that of co-accused Harmesh Singh.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 08.10.2019, no prosecution witness has been examined in the case, Jagroop Singh (PW5) and complainant Paramjit Kaur (PW7) have not supported the prosecution case during the trial of co-accused Jagtar Singh alias Tari and the fact that the case of petitioner is at par with co-accused Harmesh Singh, who has already been granted regular bail, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No