

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

217

**CRM-M No. 36918 of 2019
Date of decision : 04.02.2020**

Jagjit Singh @ Jaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No. 26 dated 28.03.2015 registered under Section 302 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Dinanagar, District Gurdaspur to which Section 396 of the IPC has been added lateron.

The above said FIR was registered on statement of Narinder Singh who alleged that on 22.03.2015 an unknown person (later identified to be Sukhbir Singh) came to the petrol pump, fell down and died due to excessive bleeding. The Police investigated the case and during investigation found that the petitioner along with his co-accused had committed murder of Sukhbir Singh. The petitioner and co-accused Harpal Singh, Kuldeep Singh Khera @ Bangali and Labh Singh @ Labha were declared proclaimed offenders. Charge-sheet was filed against Jaswant

Singh @ Jassa and Kirpal Singh @ Noni who were tried under Sections 302 and 396 of the IPC and were acquitted vide judgment dated 21.03.2018 passed by learned Additional Sessions Judge, Gurdaspur. Subsequently, accused Harpal Singh was arrested who was granted regular bail by this Court vide order dated 10.05.2019 and was acquitted vide judgment dated 07.01.2020 passed by learned Additional Sessions Judge, Gurdaspur. The petitioner was arrested on 14.06.2018 and separate charge-sheet was filed against him. The petitioner, who is in custody since then has filed present petition for grant of regular bail.

Learned State Counsel has opposed the bail application in terms of reply filed by Mr. Mahesh Kumar, PPS, Deputy Superintendent of Police, Dinanagar, District Gurdaspur today in the Court, which is taken on record. Copy supplied to the counsel for the petitioner.

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 case. There is no direct or circumstantial evidence against him to show his complicity in the crime. Co-accused Harpal Singh was granted regular bail during trial vide order dated 10.05.2019 passed by this Court. Out of 33 prosecution witnesses, only 17 witnesses have been examined so far and the trial is likely to take long time. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner along with his co-accused is alleged to have committed murder of Sukhbir Singh and in view of the gravity of the offence, the petitioner does not deserve grant of regular bail and the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and prima facie evidence against the petitioner, the fact that co-accused Jaswant Singh @ Jassa and Kirpal Singh @ Noni have been acquitted vide judgment dated 21.03.2018 passed by the learned Additional Sessions Judge, Gurdaspur and accused Harpal Singh has been acquitted vide judgment dated 07.01.2020 passed by learned Additional Sessions Judge, Gurdaspur and the fact that trial is likely to take long time but without commenting on the 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/Duty Magistrate/Chief Judicial Magistrate concerned.

04.02.2020

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No