

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

211

CRM-M-5892-2020.

Date of Decision: 12.01.2021.

Sarabjit Singh @ Sahib Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mohinder Singh, Advocate for petitioner.

Mr. Bhupinder Singh Beniwal, Assistant Advocate General,
Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C has been moved for grant of regular bail to petitioner-**Sarabjit Singh @ Sahib Singh** in case FIR No.113 dated 02.10.2018 under Sections 201 and 302 IPC read with Section 34 IPC (Sections 397 and 411 IPC and Section 25 of Arms Act added lateron), registered at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that prosecution version, as alleged, is totally concocted one and there is no iota of truth therein. He further urges that petitioner was not named in the FIR as the same was registered against unknown persons. He further urges that the present case is based on circumstantial evidence but police has failed to collect any incriminating evidence against the petitioner justifying his

involvement in the commission of alleged crime. While pointing to the

reply dated 30.10.2020, furnished at the instance of respondent-State, learned counsel for the petitioner submits that allegedly fatal blow on the person of Paramjit Singh (since deceased) by means of fire-arm (pistol) is attributed to co-accused Harpinder Singh alias Bhindu. He further urges that till date no weapon of offence has been recovered in this case. He further urges that petitioner is in custody since 04.11.2018 and he is no more required by the Police for any investigation purpose. He further urges that after presentation of challan, trial has already commenced and during course of trial, out of total thirty five witnesses, only three witnesses have been examined till date. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition and reply furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 04.11.2018; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Sarabjit Singh @ Sahib Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sangrur, as the case may be.

(LALIT BATRA)
JUDGE

12.01.2021
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No