

214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21030-2021
Date of Decision: 19.07.2021

Balbir Singh and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioners, seeking regular bail in case FIR No.126 dated 01.06.2018, under Sections 285 & 365 of the IPC and Section 25 of the Arms Act (Sections 148, 149, 364, 452, 302, 201 and 120-B of the IPC and Sections 27 and 30 of the Arms Act were added and Section 365 of the IPC was deleted during investigation by the Investigating Agency), registered at Police Station Bhattu Kalan, District Fatehabad.

2. At the outset, Ld. Counsel for the petitioners submits that at this stage, he does not press for bail in respect of petitioner No.1, namely Balbir Singh, and therefore, seeks liberty to withdraw the petition on his behalf.

3. Consequently, the present petition at this stage stands dismissed as withdrawn qua petitioner No.1 with liberty to approach the Court

subsequently at an appropriate stage.

4. Petitioners No.2 and 3 have remained in detention for well over eight months, since 16.11.2020 and 15.11.2020, respectively. Their release is sought on the ground of parity with co-accused Balraj Singh and another, who were granted regular bail by this Court in CRM-M-17997-2021 on 21.05.2021, after they had remained in custody for almost five months, since 28.12.2020.

5. It was noted by this Court in the detailed order passed in the aforesaid case that perusal of the statements given by the private prosecution witnesses revealed no incriminating material against those petitioners, and that in the case of honour killing, those petitioners were not named in the FIR, but later on they were named in the supplementary statement given by the complainant, and that no active role was attributed to them in causing any injury to the deceased.

6. To that extent, present petitioners No.2 and 3 would appear to be similarly placed with co-accused Balraj Singh and another, who were thus granted regular bail by this Court, considering not only their period of detention, but also the fact that they were not named in the FIR, and no incriminating evidence in any case had transpired against them.

7. As such, without commenting any further on the merits of the present case as a whole and in view of the detention undergone by the petitioners No.2 and 3, as also the fact that the trial will take its own considerable time to complete, particularly on account of the ongoing Covid-19 pandemic, the prayer of petitioners No.2 and 3 for regular bail is allowed and they are ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate,

concerned.

8. Disposed off qua petitioners No.2 and 3.

19.07.2021

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No