

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24214 of 2021
Date of decision:05.07.2021

Raghubir Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harvinder Singh Maan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Karanjeet Singh Brar, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the third petition seeking grant of regular bail to the petitioner in case FIR No.121 dated 02.06.2019 registered under Sections 147, 149, 302, 120-B of Indian Penal Code, 1860 (for short "IPC") and Section 25 of Arms Act, 1959 at Police Station Kalanwali, District Sirsa (Annexure P-1). However, later on, Section 34 of IPC was added and Sections 147 and 149 of IPC were deleted at the time of filing of challan.

As per the version of the prosecution, FIR (Annexure P-1) was registered on the statement of Harjinder Singh with the allegation that on 02.06.2019, his uncle Shivkaran Singh alias Nikka was attacked by Dalbir

Singh, Sukhwant Singh, Raghubir Singh (present petitioner), Amandeep Singh and Jaswant Singh. Dalbir Singh and Sukhwant Singh, who were armed with pistols, fired shots on Shivkaran Singh, whereas, other three named accused caused injuries with wooden sticks, as a consequence of which, Shivkaran Singh died on the spot. It was alleged that conspiracy to attack him was hatched at the residence of Darshan Singh and there was previous enmity between the parties.

Counsel for the petitioner submits that a false case has been foisted against the petitioner, since he was not present on the spot and so could not have inflicted any injury on the deceased. He urges that both the main accused namely, Dalbir Singh and Sukhwant Singh are behind bars, whereas co-accused, Amandeep Singh, a juvenile and Jaswant Singh, who have been named in the FIR, have been released on bail. He has made a reference to the order dated 08.06.2021 passed by the Hon'ble Supreme Court in Special Leave Petition (Crl.) No.3647 of 2021, whereby, co-accused, Jaswant Singh, who is similarly placed as the petitioner, has been ordered to be enlarged on bail. According to the counsel, testimony of the material witnesses has been recorded and only the official witnesses remain to be examined. This is a change in the circumstances which entitles the petitioner, who is in custody since 11.06.2019, to be enlarged on bail. Reliance has also been placed upon the order dated 01.02.2018 passed by this Court in CRM-M-2864 of 2018 titled as 'Gupreet Singh Vs. State of Punjab, to contend that keeping in view the custody period of 15 months, this Court had ordered the release of the accused, even though it was his

third petition for bail.

Per contra, State counsel upon instructions from SI Wazir Singh has opposed the petition. He is assisted by Mr. Karanjeet Singh Brar, Advocate for the complainant. They have opposed the petition on the ground that previous two petitions preferred by the petitioner, were withdrawn from this Court after arguments on 08.01.2021 and 28.01.2021, respectively. They, however, could not dispute the fact that the allegations against the petitioner and co-accused, Jaswant Singh are similar in nature. Upon instructions, State counsel submits that 08 out of 23 prosecution witnesses, have been examined and the trial is now fixed for 13.07.2021.

I have considered the rival submissions of the counsel for the parties.

The case of the petitioner is at par with that of co-accused, Jaswant Singh, who has been granted the concession of regular bail by the Hon'ble Supreme Court, vide order dated 08.06.2021. The petitioner is in incarceration for the last more than 02 years.

Keeping in view the observations of the Supreme Court in Union of India Vs. K.A. Najeeb 2021(2) RCR (Criminal) 145, nature of allegations, the gravity of offence and the fact that trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty

Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 05, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>