

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

(Sr. No. 223)

CRM-M No. 25492 of 2021

Date of decision : 13.12.2021

Narinder Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Salil Dev Singh Bali, Advocate for the petitioners.
Mr. Saurav Khurana, DAG, Punjab.
Mr. S. C. Khunger, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.378 dated 29.10.2020 registered under Sections 302/379 IPC and Sections 25/27 of the Arms Act, 1959 (Sections 411/120-B IPC and Sections 54/59 of the Arms Act added later on) at Police Station Sadar Fazilka, district Fazilka.

The petitioners, along with co-acused Gurmeet Singh, are being prosecuted for having conspired to murder Rachhpal Singh.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in this case only for the reason that they have a civil dispute pending between the family of the complainant and themselves; the petitioners have no other criminal case pending against

them; the petitioners are in custody since 03.11.2020; in the case in hand not only is the investigation complete but all the material prosecution witnesses also stand examined before the Trial Court and therefore neither are the petitioners needed for investigation purpose nor can they influence the material prosecution witnesses in the trial; there is no evidence against the petitioners as the alleged eye witness, who is the deceased's son, does not disclose the source of his information to implicate the petitioners as accused; the only other evidence with the prosecution is the alleged disclosure statement of co-accused Gurmeet Singh which has no evidentiary value as the same was admittedly made in police custody and that since 19 prosecution witnesses still remain to be examined in the petitioners' trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioners on the ground that the petitioners have caused the murder of Rachhpal.

The evidentiary value of the statement of the alleged eye witness and the co-accused's disclosure statement as also the motive to falsely implicate the petitioners shall be debated during the petitioners' trial. However, the petitioners have been in custody since 03.11.2020; all material witnesses in their trial have been examined; there is no other criminal case pending against them and that the petitioners' trial, in which 19 prosecution witnesses still remain to be examined, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail.

Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

13.12.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No