

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-39939 of 2021
Date of Decision : 15.11.2021

Jagmail Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.192 dated 29.11.2020 registered under Sections 302, 34, 109 and 120-B of the IPC and Section 25 of the Arms Act at Police Station Ghagga, District Patiala.

Learned counsel for the petitioner argues that the petitioner has not been named in the present FIR and he has only been roped on the basis of the supplementary statement of the complainant and the only allegation against the petitioner is that he instigated the main accused for committing the crime. Learned counsel for the petitioner argues that nothing has come on record as to how and why, the petitioner has been implicated in the present case and the FIR and the statement on the basis of which, the petitioner has been roped in the present case is silent qua the motive.

Learned counsel for the petitioner further submits that the investigation is

already over and challan has already been presented and the allegations alleged in the supplementary statement of the complainant on the basis of which, the petitioner has been roped in the present FIR are yet to be proved and there is no allegation that the petitioner was present at the spot when the deceased died. Therefore, he prays that the petitioner may kindly be extended the benefit of regular bail.

Learned State counsel submits that though, the petitioner was not named in the FIR but, the complainant in his supplementary statement has stated that the petitioner incited the co-accused namely, Balwinder Singh so as to take revenge for his mother's case. Learned State counsel concedes that there is no allegation that the petitioner has participated in the incident, in which the deceased died as those allegations are against the other accused.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the present case, especially, that the allegations against the petitioner are only of inciting the co-accused Balwinder Singh to commit the crime, which allegations are yet to be proved and it is the conceded position that the petitioner was not present at the site of the crime and nothing has been recovered from the petitioner so as to connect him with the said crime, coupled with the fact that the investigation is already over and challan has already been presented and trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars. Hence, petitioner has made out a case for the grant of

regular bail especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 15, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No