

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106+201)

CRM-33267-2021 in/and
CRM-M-36708-2020
Date of Decision : October 08, 2021

Satnam Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhavyadeep Walia, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-33267-2021

Present application has been filed for placing on record
Annexures P-3 to P-9.

Keeping in view the averments made in the application, the
same is allowed and Annexures P-3 to P-9 are permitted to be taken on
record.

CRM-M-36708-2020

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.125 dated
29.07.2019 registered under Sections 302, 148 and 149 of the Indian Penal
Code, 1860 at Police Station Nihalsinghwala, District Moga.

Learned counsel for the petitioner submits that the petitioner is the son of the complainant and brother of the deceased and was involved in the present case only on the basis of disclosure statement given by one Bant Singh. Learned counsel for the petitioner further submits that said Bant Singh was neither an accused nor a witness but had allegedly made some statement to the Investigating Agency of overhearing the petitioner confessing the crime while sitting at a particular place where the said Bant Singh happened to be present. Learned counsel for the petitioner further submits that in the present case, Bant Singh did not support the said prosecution version of hearing the petitioner admitting his guilt while testifying before the trial Court and not only this, even the complainant Mander Singh as well as his wife have testified wherein, no blame has been put upon the petitioner and therefore, the petitioner be granted the benefit of regular bail.

Learned counsel for the respondent-State submits that it is a matter of fact that not only Bant Singh, on whose disclosure statement the petitioner was involved in the present case, has resiled from the said statement while testifying before the trial Court, even the complainant or his wife have not supported any allegation against the petitioner of violating the law or being responsible in any manner with regard to the death of the deceased.

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

Once, the factual averments which have been noticed hereinbefore, are not being disputed by the learned State counsel and the petitioner was only involved in the present case on the basis of disclosure

statement of Bant Singh before the police, who has resiled from the said statement while testifying before the trial Court, though, the guilt of the petitioner will be proved after examining the testimony of all the witnesses, keeping the petitioner behind the bars any further will serve no useful purpose.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

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

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

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.

October 08, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No