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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-43130-2021 (O&M).
Decided on: November 25, 2021.**

Jallandhar Singh and others

.. Petitioners

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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**PRESENT Mr.Sandeep Singh Mann, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.85 dated 12.6.2021, under Sections 307, 323, 447, 511, 148 and 149 IPC and under Section 25/27 of the Arms Act, 1959, registered at Police Station Sadar Kotkapura, District Faridkot.

It has been submitted by the learned counsel for the petitioner that even as per the FIR there is no specific role attributable to the

petitioner. He submitted that so far as petitioner Nos.1 to 3 namely Jalandhar Singh, Basant Singh and Somi Dass are concerned, the only role attributable to them was that they had come on a tractor for carving *butt* and so far as petitioner No.4 namely Bagga @ Akashdeep Singh is concerned, the role attributable to him was that he was armed with baseball bat but no specific role has been attributed to him. He submitted that even as per the prosecution itself the injuries were caused by two accused namely Harish Kumar @ Kaka Nepali and Sulakhan Singh and so far as Sulakhan Singh is concerned, he has already been granted bail by this vide order dated 1.10.2021 passed in Court in CRM-M-39221-2021. He further submitted that petitioner No.1 – Jalandhar Singh and petitioner No.2 – Basant Singh are in custody since 14.6.2021; petitioner No.3 Somi Dass is in custody since 27.6.2021; and petitioner No.4 namely Bagga @ Akashdeep Singh is in custody since 25.6.2021 and investigation of the case is already complete and challan has been presented before the competent Court under Section 173 Cr.P.C. and now it is fixed for framing of charges. He submitted that all the four petitioners are also involved in one more FIR bearing No.44 dated 16.3.2021 and all of them are on bail in that case and as per the learned counsel for the petitioners that case was also planted upon them. He further submitted that trial of the case would take long time and therefore, in view of the factual position as aforesaid, the petitioners may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioners are in custody since aforesaid dates and it is also correct that investigation of the case is complete and challan has been presented before the competent Court.

I have heard the learned counsel for the parties.

The custody period of the petitioners is not in dispute. It is also not disputed that after completion of investigation challan has been presented against all the four petitioners before the competent Court. The pendency of another FIR against the petitioners would not dis-entitle them for the grant of regular bail. Apart from above, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to all the four petitioners. Accordingly, the present petition is allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

November 25, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No