

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41094 of 2020 (O&M)

Date of Decision: March 25, 2021

Raj Khan @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gauravdeep Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.345 dated 12.10.2020, under Sections 306, 34 and 120-B IPC, 1860, registered at Police Station, Patran, District Patiala. The petitioner is in custody since his arrest on 18.10.2020.

The FIR was registered on the statement of Balbir Singh @ Bira s/o Saun Singh, wherein it was stated that complainant has two sons, namely, Jaswinder Singh and Sukhpal Singh, who were working as driver on harvesting machines (combines). Complainant's sons wanted to purchase new combine after selling old one. Five months ago, his relative, Gurcharan Singh, came to their house and told his son-Sukhpal Singh that he would get exchanged his old combine with the new one at Gurjeet Combine Behar Sahib store. On 23.05.2020, Gurjeet Singh, who was owner of Combine

factory, along with Rajpal and Gurcharan Singh came to complainant's house and took their old combine for a sum of Rs.5,50,000/-. They said that new combine will be delivered to them by 08.10.2020 on payment of Rs.8,80,000/-. It was alleged that despite insisting for the last one month, the accused have not supplied the new combine to them and on intervening night of 11/12.10.2020, Sukhpal Singh committed suicide by hanging himself due to harassment caused by accused persons. On these broad allegations, FIR was registered.

Learned counsel for the petitioner submits that the final report has been filed on 07.12.2020, but the charges are yet to be framed. He has produced copy of the order dated 06.01.2021 passed in CRM-M-42863 and 42950 of 2020 to contend that co-accused of the petitioner, namely, Gurjeet Singh and Gurcharan Singh @ Charna Singh, have already been granted the concession of regular bail by this court. He contends that the trial is likely to consume considerable time to conclude and, therefore, the further detention of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Palwinder Singh, has opposed the prayer. However, it is not disputed by him that the charges are yet to be framed and the co-accused have been released on regular bail by this court.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 18.10.2020. Further, the charges are yet to be framed and it may take

considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Patiala.

March 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No