

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37077-2019 (O&M)
Date of Decision:- 17.3.2021

Kanwaljit Singh @ Burra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Charan Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.229, dated 21.11.2017, Police Station Beas, District Amritsar, under Sections 302, 241, 120-B of IPC.

2. The FIR in question was lodged at the instance of Dalbir Kaur wherein it is alleged that her husband, apart from cultivating the land also delivers milk. On 21.11.2017, at about 8 am. when her husband was returning back home after delivering milk and when he was near tubewell of Jaswant Singh, accused Amrik Singh empty handed, his sons Kanwaljit Singh and Mandeep Singh armed with '*Kahi*' and '*Gandasi*' respectively were also present there and upon noticing the complainant's husband, Amrik Singh raised a *lalkara* that complainant's husband Balwinder Singh be not spared. Amrik caught hold of Balwinder Singh while his two sons Kanwaljit Singh and Mandeep Singh gave injuries to Balwinder Singh on account of which Balwinder Singh started bleeding profusely and fell on the ground. The complainant who was seeing the entire incident raised alarm and upon which the accused ran away from the spot.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since he has been behind bars for a substantial period and trial is not likely to be concluded immediately, he deserves the concession of bail especially since co-accused Amrik Singh has already been granted bail vide order dated 14.02.2019 passed by this Court.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner was armed with a '*Kahi*' and had caused injuries to the deceased, he does not deserve the concession of bail. It has further been submitted that one of the co-accused i.e. the petitioner's brother Mandeep had already absconded and had been declared a

‘Proclaimed Offender’ and that in these circumstances there is every likelihood that the petitioner would also flee from justice. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 3 years and 3 months and that out of cited 17 PWs only 4 PWs including the complainant have been examined.

5. I have considered rival submissions addressed before this Court.
6. Though serious allegations have been leveled against the petitioner who is specifically named in the FIR and is alleged to have given fatal blows to the deceased, but keeping in view the long incarceration which the petitioner has already suffered i.e. a period of 3 years and 3 months and the conclusion of trial is not in sight as only 4 out of cited 17 PWs have been examined so far and while also noticing that the complainant already stands examined, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. Apart from any such conditions as the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, may choose to impose for release of the petitioner, the petitioner shall additionally furnish one FDR to the tune of Rs.5 lakhs before the trial Court which he shall not be entitled to encash except with the order of the trial Court. The trial Court, shall issue necessary directions in this regard to the Bank Manager concerned. In case the petitioner flees

from justice, the aforesaid FDR shall stand forfeited. Upon conclusion of the trial and upon such judgment attaining finality, the proceeds of the FDR shall be released to the complainant in case the petitioner is convicted and shall be released to the petitioner in case the petitioner is found to be innocent and is acquitted.

March 17, 2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No