

214/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49128-2021
Decided on: 21.12.2021

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. H.S. Sitta, Asst. AG, Punjab.

Mr. Ved Parkash, Advocate for the complainant.

ANOOP CHITKARA, J.

The petitioner, apprehending arrest in FIR No.3 dated 06.01.2021, registered under Sections 302 & 34 IPC at Police Station Sanour, District Patiala, came up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. Vide order dated 24.11.2021, this Court had granted interim anticipatory bail to the petitioner.

3. Learned counsel for the petitioner submits that he had complied the previous order dated 14.12.2021, the petitioner has joined the proceedings before the trial Court.

4. Learned State counsel has opposed the bail and submits that in case this Court is inclined to give the bail to the petitioner then it should be subject to the strict and stringent conditions.

5. Learned counsel for the complainant has opposed the bail on the ground that the offence is heinous.

6. As per status report submitted by learned State counsel, Malook Singh

pulled right arm of the deceased and Jarnail Singh caught hold of his left arm and Karan caught hold of his cheek. Subsequently Swarn Singh gave a kirch blow in stomach on right side and had twisted it. Due to which he fell down and lost consciousness. After that when he was laying on the ground Jarnail Singh, Malook Singh and Karan had beaten him with fists. It is undisputed that cause of death was stabbed blow on the abdomen which was given by accused-Swarn Singh. Although the case of the prosecution is that all the accused had criminal conspiracy but since the petitioner was not carrying any arm or weapon and the role assigned to him would not lead to an inference that his participation or asking, Swarn Singh had given kirch, atleast would make out a case for bail at this stage. Thus the role assigned to the petitioner is different to that of Swarn Singh. It is clarified that the petitioner shall remain at a distance of one kilometer from the house of the victim. Furthermore, in case they break this condition or any of the condition as mentioned in order granting interim protection on this ground alone, his bail shall be liable to be cancelled on an application filed by the State or by the complainant party. It shall be open even for the trial court to cancel the bail.

7. Given the nature of allegations, no pre-trial incarceration is required. Without commenting on the case's merits and the circumstances peculiar to this case, the present petition is allowed. The order dated 24.11.2021 is hereby made absolute.

(ANOOP CHITKARA)
JUDGE

21.12.2021
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Whether speaking/reasoned
Whether reportable

~~Yes/No~~
~~Yes/No~~