

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 24.02.2022

1. CRM-M-1781-2021 (O&M)

Sarandeep Singh @ Saran

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-25845-2020 (O&M)

Jaswant Singh @ Jassa

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner
in CRM-M-1781-2021.

Mr. Amardeep Singh, Advocate for the petitioner
in CRM-M-25845-2020.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.16 dated 17.03.2017, registered under Sections 302, 148 and 149 IPC, 1860, at Police Station Sarai Amanat Khan, Tarn Taran. The petitioners are in custody since their arrest on 18.03.2017.

The FIR was registered on the statement of Mukhtiar Singh and the allegations as noticed by the Id. Sessions Judge, Tarn Taran, are as under:

“...As per prosecution, there was marriage of some relative of complainant Mukhtiar Singh where he had gone along with his son Balwinder Singh and other relatives and as per allegations on 16.03.2017 at about 7:30 p.m. all the family members were dancing in the courtyard. His son Balwinder Singh caught hand of Suman daughter of Jaswant Singh and

along with them Ranjodh Singh his uncle also started dancing. The groom Manpreet Singh and his brother Sarandeep Singh, Gurjant Singh, Gurpreet Singh and Jaswant Singh @ Jassa, they thought bad of it and they in a fit of rage started beating his son Balwinder Singh and uncle Ranjodh Singh with dang, sotta and dattar hitting them on head and on other parts of body and while they were taken to hospital they both died on the way.”

Learned counsel for the petitioners have argued that the alleged occurrence took place during a marriage function, where the accused and other prosecution witnesses and the deceased were invited and as per allegations, victims Balwinder Singh and his uncle Ranjodh Singh while dancing caught hold of the hands of petitioner Jaswant Singh's daughter and suddenly, the fight took place resulting in death of Balwinder Singh and Ranjodh Singh. According to them, the petitioners are behind the bars for approximately last five years and all the three eye-witnesses including the complainant have already been examined and the remaining witnesses are official witnesses. According to them, during the investigation, nothing was recovered from accused Sarandeep Singh @ Saran, whereas Jaswant Singh got recovered a datar. They pray for bail.

Learned State counsel, assisted by ASI Heera Singh while opposing the prayer has argued that the petitioners along with their co-accused participated in the crime and caused the death of the victims. According to him, in all, there are twenty two prosecution witnesses and so far, only ten have been examined including three eye-witnesses, however, the length of custody of the petitioners is not disputed.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioners, this Court finds that since the material witnesses have already been examined by prosecution and remaining witnesses are official witnesses and presently, there does not seem to be any possibility of their being won over, therefore, the further detention

of the petitioners behind the bars may not serve any useful purpose, as the trial is likely to consume considerable time to conclude, as still twelve prosecution witnesses remain to be examined.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, concerned.

The petitions are allowed.

24.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No