

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4293-2022

Date of Decision: 20.4.2022

Harmesh Singh @ Meshi @ Harjit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.19 dated 2.2.2019 registered for the offences punishable under Sections 452, 325, 34 IPC (Sections 148, 149, 302 IPC added later on) at Police Station Bhogpur, District Jalandhar.

Counsel for the petitioner contended that the petitioner has been falsely implicated in the present case and he is in custody for the last more than 3 years. Counsel further contended that the complainant Asha Rani and eye witness Gurmail Chand have already been examined in the trial Court and in their testimony, they have not attributed any specific injury to the petitioner. Counsel further contended that it will take considerable time for conclusion of the trial and as such, no purpose would be served by keeping the petitioner behind the bars for any longer period.

The petition is contested by the State counsel who submitted

that the petitioner is the main accused who gave fatal blow of base ball bat on the head of the deceased who was husband of the complainant Asha Rani. State counsel further contended that both Asha Rani and Gurmail Chand testified in the Court that the petitioner and other accused entered into the house and caused injuries to deceased Satnam Singh with an intention to kill him. State counsel further submitted that the trial is going on and as such, no ground is made out to release the petitioner on bail at this stage.

I have considered the submissions made by the counsel for the parties.

FIR in the present case was registered on the basis of the statement of Asha Rani in which she stated that at the time of occurrence, the petitioner gave blow of base ball bat on the head of her husband, as a result of which, he became unconscious and fell on the ground and later on, he died. However, while appearing in the witness box as PW1, said Asha Rani stated that all the accused started beating her husband Satnam Singh, as a result of which, he fell on the ground and thereafter, the accused sped away from there. She also deposed that at that time, all the accused were armed with *dandas* and the accused also gave base ball bat blow on the gate of her house. Another eye witness namely PW2 Gurmail Chand testified in the Court that the accused knocked at the door and then entered into the house and caused injuries to his brother Satnam Singh with sticks, with an intention to kill Satnam Singh. So while appearing in the witness box, aforesaid PWs have not attributed any specific injury to the petitioner. As per custody certificate, the petitioner is in custody for the last more than 3 years and is not involved in any other criminal case. As per State counsel,

other accused have already been granted regular bail.

Admittedly, the trial is going on and out of total 18 PWs, only 6 PWs have been examined till date. In these circumstances, as the remaining accused to whom no specific injury was attributed, have already been granted bail, no purpose is going to be served by keeping the petitioner in custody for any longer period. It will take time for conclusion of trial.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

April 20 , 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No