

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRM-M-9612-2021

Date of Decision: 13.07.2022

Nirbhai Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Barjinder Singh, Advocate for
Mr. Nitin Rampal, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Nirbhai Singh** for grant of regular bail in case FIR No.122 dated 14.06.2020 under Sections 148, 307, 323, 324, 341 and 506 IPC read with Section 149 IPC, registered at Police Station Kotwali Kapurthala, District Kapurthala.

In compliance of order dated 01.06.2022, status report dated 06.07.2022 has been received from Trial Court, in terms of which, testimony of PW-11 Balwant Singh (complainant/injured) has been recorded at Embassy of India, Abu Dhabi through video conferencing on 04.07.2022.

Learned counsel appearing for the petitioner *inter alia* contends that allegations levelled against the petitioner are altogether false and frivolous and there is no iota of truth therein. He further submits that allegedly on 14.06.2020, petitioner along with co-accused while armed with deadly weapons in prosecution of common object of unlawful assembly inflicted

multiple injuries on the persons of injured namely Kulwant Singh, Makhan Singh and Balwant Singh (complainant) and thereby attempted to commit their murder. He further submits that petitioner is languishing in custody since 04.07.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further submits that during the course of trial, testimonies of eleven prosecution witnesses including injured namely Kulwant Singh (PW-2), Makhan Singh (PW-5) and Balwant Singh – complainant/injured (PW-11) have already been recorded. He further submits that co-accused namely Rani @ Seema and Raj Kaur have already been extended concession of regular bail by this Court, vide order dated 17.09.2020 passed in CRM-M-24205-2020, whereas co-accused Jaspal Singh @ Billa has already been extended concession of pre-arrest bail by this Court, vide order dated 27.11.2020 passed in CRM-M-29482-2020. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 04.07.2020; that petitioner is no

more required by the Investigating Agency for investigation purpose; that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court; that testimonies of material prosecution witnesses namely PW-2 Kulwant Singh (injured), PW-5 Makhan Singh (injured) and PW-11 Balwant Singh (complainant-injured) have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Nirbhai Singh** is allowed and he is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Kapurthala, as the case may be.

(LALIT BATRA)
JUDGE

13.07.2022

Varinder Prashad

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No