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

CRM-M-11722-2022 (O&M)

Date of Decision: 09.09.2022

Lovepreet Singh alias Labhi

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-36122-2022

Tegveer Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-34602-2020

Gurdeep Singh @ Poppy

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mrs. G.K. Mann, Senior Advocate assisted by
Mr. Gursharan Singh, Advocate &
Ms. Simrat Kaur, Advocate,
for the petitioner in CRM-M-11722-2022.

Mr. Navjot Singh, Advocate,
for the petitioner in CRM-M-36122-2022.

Mr. Jasdeep Singh, Advocate,
for the petitioner in CRM-M-34602-2020.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. H.P.S. Ishar, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

These petitions have been filed under Section 439 of the Code

of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since all the petitions arise out of the same FIR bearing FIR No.53 dated 21.04.2019, under Sections 302, 148, 149 & 120-B of the IPC, registered at Police Station Cantt. Bathinda, District Bathinda.

It has been submitted by learned counsels for the petitioners in all the cases that all the petitioners are in custody for about 3 years and 4 months. They further submitted that after investigation of the case, the challan was presented before the competent Court, and thereafter, the charges were framed on 11.08.2021, which is more than one year ago, but the prosecution did not examine any witness. Thereafter, this Court on 20.05.2022 directed the trial Court to ensure that at least material witnesses should be examined as expeditiously as possible and consequently now, the complainant has been examined on 01.08.2022. They also submitted that it is a case where the allegations are that the petitioners had come to the house of the deceased and by using various weapons, they caused injuries and he was taken to the hospital where he succumbed to the injuries. They further submitted that all the petitioners have got clean antecedents and they are not involved in any other case whereas on the other hand, the deceased was involved in number of cases and there is a likelihood that he may have been killed by someone else but so far as the present petitioners are concerned, they have been falsely implicated in the present case. They also submitted that be that as it may, this fact can only be ascertained at the time of trial and the trial has been delayed at the hands of the prosecution itself and even after one year now under the directions issued by this Court, the

complainant has been examined. They further submitted that in view of the aforesaid facts and circumstances, where all the petitioners have already faced incarceration for about 3 years and 4 months, they may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Sr. Deputy Advocate General, Punjab, on instructions from ASI Baljeet Singh, has submitted that it is correct that now the complainant has been examined but he has stated that the complainant has supported the prosecution version. The custody of all the three petitioners has not been denied by the learned State counsel. He further submitted that it is also correct that all the petitioners have clean antecedents and they are not involved in any other case whereas the deceased person was involved in number of cases. He has, however, opposed the grant of regular bail to the petitioners on the ground that the matter is serious in nature.

Mr. H.P.S. Ishar, Advocate has caused appearance on behalf of the complainant and has opposed the grant of regular bail to the petitioners.

I have heard the learned counsel for the parties.

All the petitioners have faced incarceration for about 3 years and 4 months and they are not involved in any other case. The complainant has now been examined as per the learned counsel for the parties. Apart from the same, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may repeat the offence or may abscond or flee from justice.

Therefore, considering the aforesaid facts and circumstances especially the long custody of the petitioners and the stage of the trial, this

Court deems it fit and proper to grant bail to the petitioners.

Consequently, all the three petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |