

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

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**CRM-M-11646-2022
Date of decision: 24.03.2022**

TARSEM SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Partap Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for seeking concession of regular bail in case FIR No. 269 dated 25.10.2021 under Sections 307, 34 IPC and Section 25 of the Arms Act (Sections 177, 120-B, 195 IPC and Section 27 of the Arms Act were added and Section 307, 34 were deleted later on) registered at Police Station Guhla, District Kaithal, Haryana.

2. Learned counsel for the petitioner inter alia contends that the case in question was initially registered at the instance of brother of the petitioner pointing out about the incident of firing that had taken place to eliminate Malak Singh (brother of the petitioner). Upon investigation, the Investigating Agency pointed out that the incident of firing was arranged for by the brother of the petitioner himself in order to implicate the other persons who are complainant and injured in case bearing FIR No. 267 of 2021 registered against Malak Singh and others for offences under Section 326 IPC. Upon conclusion of the

investigation, the petitioner along with his brother has been charge-sheeted for offences under Sections 177, 195 IPC read with Section 120-B and Section 27 of the Arms Act.

3. Learned counsel for the petitioner further contends that the petitioner is brother of Malak Singh and that no specific attribution has been assigned to the petitioner during the course of investigation as well. He submits that the petitioner is in custody since 26.11.2021. The investigation is complete and the final report was filed on 21.01.2022. The charge has so far not been framed. The custodial interrogation of the petitioner is thus neither desirable nor justified.

4. Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana submits that the petitioner is a habitual offender and is involved in four other cases under the IPC. He contends that the petitioner was the principal conspirator in arranging for the incident of firing upon his brother Malak Singh in conspiracy with him with a view to implicate the complainant party.

5. It is, however, not in dispute that the co-accused and the petitioner namely Malak Singh as well as Narinder Pal Singh have already been granted the concession of regular bail. It is also not disputed that the investigation in the case is complete and final report has been filed. Learned State counsel is also further not able to dispute the fact that the petitioner stands acquitted in one of the cases that was registered against him and in the other three cases, he is enlarged on bail. There are as many as 21 witnesses to be examined and culmination of the trial shall take a long time.

6. Having heard learned counsel appearing on behalf of the

respective parties and taking into consideration the circumstances noticed above as well as the period of custody already undergone by the petitioner, the stage of the investigation and the fact that trial is yet to commence, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 24, 2022
vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No