

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

212

**CRM-M-17361-2022
Decided on : 20.09.2022**

Dimple Singh @ Daibi

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Status report by way of an affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division, Barnala dated 20.09.2022, has been filed by learned State counsel in the Court today and same is taken on record.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Dimple Singh @ Daibi, who has been booked for having committed the offence punishable under Sections 302, 459, 325, 323, 506, 148, 149 and 120-B IPC, in FIR No. 409, dated 28.09.2020, registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that as per allegations mentioned in the FIR, role attributed to the petitioner is of carrying of pistol and threatening to shoot if anyone came outside the house and except this, no role of causing injury or any other role is attributed to the petitioner in the alleged offence. While substantiating the arguments, learned counsel for the petitioner refers to para 3 of the status report, wherein it is mentioned that *‘accused Dimple Singh @ Daibi was arrested on 22.10.2020, however*

nothing came to light about having the alleged pistol with Dimple Singh (present petitioner)'.

Learned counsel for the petitioner further submits that during the investigation, petitioner was not found possessed with any pistol at the time of occurrence and it would be question before the trial Court to decide whether petitioner was really present on the spot or not. He also refers to the order dated 08.08.2022 passed by co-ordinate Bench of this Court, vide which co-accused, namely, Mukand Singh has already been released on bail to whom also no role of causing injury to the deceased or anyone was assigned. He further submits that matter stands investigated and trial would take reasonable time, and therefore, present case being of magisterial trial, petitioner should not be kept inside jail for an indefinite period.

Per contra, learned State counsel submitted custody certificate dated 19.09.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner has already undergone custody for a period of 1 year 10 months 29 days. Learned State counsel on instructions from ASI Jagtar Singh, confirms the contentions of learned counsel for the petitioner that investigation stands complete, challan has been submitted but the same is yet to be committed to the Court of Sessions, therefore, early conclusion of the trial is not possible.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance. This court has noticed that as per allegations in the FIR, petitioner was present on the spot, carrying pistol in his hand but during the investigation, same was not found correct. Therefore, argument that petitioner was present on the spot or not, would be the question of trial also, carries weight. It is also noticed that other co-accused namely, Mukund has already been granted concession of bail by

Co-ordinate Bench of this Court and also the fact that trial is not likely to conclude in near future because even learned Magistrate has not committed the case to the Court of Sessions. As per custody certificate, petitioner has already undergone custody period of 1 year 11 months as on date and as far as other case as mentioned in the custody certificate i.e. FIR No. 138 dated 29.09.2020 under Sections 323, 325 IPC registered at Police Station Sadar Barnala, is concerned, petitioner has already been acquitted. In such circumstances, no purpose would be served by keeping the petitioner inside jail, especially, when trial is not likely to conclude in near future. Therefore, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing heavy bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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.

The observation made here-in-above 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 evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 20, 2022

Riya

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