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

**CRM-M-26459-2021 (O&M)
Date of decision-25.01.2022**

Darshan Singh

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.P.S. Virk, Advocate,
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Karanjeet Singh Brar, Advocate,
for the complainant.

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

CRM-1974-2022

Prayer in the application is for placing on record the amended
petition.

On the oral prayer made by the counsel for the applicant-
petitioner, he is permitted to amend the petition.

Application is allowed.

Amended petition is taken on record.

CRM-M-26459-2021

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, seeking grant of regular bail to the petitioner in case FIR No.121, dated 02.06.2019 registered for offence under Sections 147, 149, 302, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959, at Police Station Kallanwali, District Sirsa.

Criminal law was set in motion on the basis of complaint of Harjinder Singh, who alleged that on 02.06.2019, his uncle Shiv Karan @ Nikka was attacked by Dalbir Singh, Sukhwant Singh, Raghubir Singh, Amandeep Singh and Jaswant Singh, who were armed with pistols and wooden sticks and due to injuries suffered by him, he died on the spot. It was alleged by the complainant that the conspiracy to commit the murder was hatched at the residence of Darshan Singh (present petitioner) because of past enmity between them.

Counsel for the petitioner submits that the petitioner was not present at the spot and he has been named as an accused on the basis of suspicion. He submits that out of the five alleged assailants, two of them, namely, Jaswant Singh and Raghubir Singh have been released on bail vide orders dated 08.06.2021 and 05.07.2021, Annexures P-5 and P-6, respectively, and out of five alleged conspirators, four are on bail vide orders Annexures P-1 to P-4. He has drawn the attention of the Court to the testimony of the complainant, to submit that in his cross-examination, the complainant has denied that he has any enmity with the present petitioner. He submits that the first petition seeking grant of regular bail was withdrawn

from this Court on 28.01.2021 and thereafter petitioner has undergone custody of another one year.

By making a reference to para 8 of the amended petition, counsel for the petitioner submits that though the petitioner was involved in two other criminal cases, yet he was acquitted in FIR registered against him for offence under NDPS Act and was convicted for a period of one month under Section 341 IPC vide order dated 30.07.2019 in FIR No.311 dated 21.10.2014 registered at Police Station Kallanwali.

Per contra, learned State counsel, who is assisted by learned counsel for the complainant, has opposed the petition and has submitted on basis of instructions, that the petitioner is the master-mind behind the brutal attack and murder. It has been argued that there was a land dispute between the parties. As per instructions received by the State counsel, 3 prosecution witnesses, included the complainant have been examined, 5 have been given-up and the statements of remaining 16 prosecution witnesses are yet to be recorded.

I have considered the arguments addressed by the counsel for the parties.

This Court is prima facie of the view that the material collected by the prosecution would remain debatable and the petitioner who is in custody for the last 2 years and 7 months would be entitled to be released on bail during the pendency of the trial as the trial is likely to take time to

conclude due to restrictive functioning of the Courts as the country is in the throes of third wave of the pandemic.

Petition is accordingly allowed. The petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

25.01.2022
geeta

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