

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-32430-2022
Date of Decision: 8th August, 2022**

Mukand Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. G.S. Sidhu, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition is filed seeking regular bail in FIR No. 409, dated 28th September, 2020, under Sections 302, 148, 149 and 120-B of Indian Penal Code, 1860, registered at Police Station City Barnala.
2. Learned counsel for the petitioner claims parity with co-accused Jagdish Singh @ Pappi who was granted regular bail by this court on 21st July, 2022, this Court passed the following order:

*"This is a petition seeking regular bail.
On 12th March, 2021, following order was passed
"Power of attorney filed on behalf of the complainant in
Court, is taken on record.*

The petitioner has filed present petition under Section 439 Cr.PC for grant of regular bail in FIR No.409 dated 28.09.2020 under Sections 302, 148, 149 and 120-B IPC registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner relies upon the order dated 03.03.2021 passed by this Court in CRWP No.2171 of 2021 titled as Mukand Singh Versus State of Punjab and another, whereby co-accused Mukand Singh has been admitted on interim bail. Moreover, the petitioner was not present at the scene of occurrence. The allegation against the petitioner is that it is on the basis of instigation of the present petitioner along with co-accused Mukand Singh, the alleged occurrence had taken place which resulted in the death of Malkit Singh.

Learned counsel for the complainant has argued that there are specific allegations against the petitioner in the F.I.R.

Adjourned to 13.05.2021.

Meanwhile, the petitioner is admitted on interim bail subject to his furnishing bail bonds and surety bonds to the

satisfaction of the trial Court/Duty Magistrate.

Be listed along with CRWP-2171 of 2021.”

Learned State counsel on instructions from ASI Gurmail Singh is not in a position to dispute the contention raised by learned counsel for petitioner in order dated 12th March, 2021. He further submits that there is no misuse of interim protection granted.

The interim regular bail was granted considering the contention raised by learned counsel for petitioner. There is no misuse of interim bail. The petitioner is granted regular bail subject to furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.”

3. Learned counsel for the State though opposes the prayer for grant of bail but is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

4. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far grant of bail is concerned, and considering the fact that petitioner was granted interim bail from 3rd March, 2021 to 25th July, 2022 and there is no allegation for misuse of the interim bail and that the conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. The petition is allowed.

6. However, it is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

8th August, 2022

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No