

CRM-M-33936-2022 (O&M) and
CRM-M-48846-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33936-2022(O&M)
Date of Decision: 13.12.2022

(I)
Harmanpreet Singh @ Keera

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-48846-2022 (O&M)

(II)
Shamsher Singh @ Shera

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Bhalla, Advocate,
for the petitioner in CRM-M-33936-2022.

Mr. Achin Gupta, Advocate,
for the petitioner in CRM-M-48846-2022.

Mr. Jashandeep Singh, AAG, Punjab.

Mr. H.S. Sidhu, Advocate,
for the complainant in CRM-M-33936-2022.

JASGURPREET SINGH PURI, J. (Oral)

Both petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer in both the petitions pertain to the grant of regular bail and they arise out of the same FIR.

Both petitions have been filed under Section 439 of the Code of

Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 116 dated 07.04.2022, under Sections 307 and 34 IPC and Sections 25 and 27 of Arms Act, registered at Police Station City Faridkot, District Faridkot.

It has been submitted by learned counsels appearing on behalf of petitioners that both the petitioners are in custody from 09.04.2022 and the custody of both the petitioners is about 8 months and 5 days. Both the learned counsels have submitted that in the present case the investigation of the case has already been completed and thereafter, report under Section 173 Cr.P.C has already been presented and thereafter the trial has commenced. They submitted that five witnesses have already been examined who are the material witnesses and so far as the petitioners are concerned, they were nominated on the basis of the disclosure statement of two material witnesses namely, Karambir and Ram Singh who have been examined who have not supported the prosecution version and disputed the identity of the petitioners. They have submitted that since the material witnesses have been examined and no further recovery is to be effected from the petitioners and the trial of the case may take long time, therefore they may be considered for the grant of regular bail. They have also submitted that although both the petitioners are involved in some other cases but that itself cannot become a ground for denial of regular bail in view of the aforesaid facts and circumstances.

On the other hand, Mr. Jashandeep Singh, learned Assistant Advocate General, Punjab has submitted that it is correct that both the petitioners are in custody for about 8 months and 5 days and the material witnesses have already been examined. He has however opposed the grant of bail to the petitioners on the ground that the matter was serious in nature and both the petitioners are also involved in some other cases.

Mr. H.S. Sidhu, Advocate, has also appeared on behalf of the complainant in CRM-M-33936-2022 and has submitted that a compromise has been effected with one of the petitioner namely [Harmanpreet Singh @ Keera](#).

I have heard the learned counsel for the parties.

Both the petitioners are stated to be in custody for about 8 months and 5 days and investigation of the case has already been completed and material witnesses have been examined. As per the learned counsel for the petitioners, two witnesses namely, Karambir and Ram Singh have not supported the prosecution version. The mere fact that the petitioners are also involved in other cases cannot become a ground for denial of bail to the petitioners especially in view of the fact that 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 tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.

Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned 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 meant for the purpose of deciding the present petitions only.

13.12.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No