

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

214

CRM-M-37895 of 2022

Date of Decision: September 29, 2022

Sajjan Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present:-** Mr. J. S. Gill, Advocate  
for the petitioner.

Mr. M. S. Bajwa, DAG, Punjab.

Mr. Amar Pal Singh Randhawa, Advocate  
for the complainant.

**AMAN CHAUDHARY, J.(Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.90 dated 06.07.2020, under Sections 302, 120-B, 148, 149 of IPC and Sections 25, 27, 54 of Arms Act, registered at Police Station Gharinda, Police District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case in as much that he has no concern with the dispute which is inter se between two brothers, son of one of whom has died. He further submits that the allegations in the FIR qua him are that he was armed with gandasi however, no overt act has been attributed to him. He has been in custody since 22.04.2022. He further submits that though challan has been presented, charges are yet to be framed and there are 30 witnesses in all. Trial is likely to take some

time to conclude. He further refers to the orders passed by the Co-ordinate Bench of this Court in CRM-M No.10813 of 2021 titled Narinder Kaur Vs. State of Punjab and CRM-M No.10709 of 2021 titled Sukhjit Kaur @ Sokhi Vs. State of Punjab granting interim anticipatory bail to co-accused, one of whom namely Narinder Kaur was also attributed a *Lalkara* and was shown in the FIR to be armed with a wooden bat.

Learned counsel for the complainant submits that since he was part of the unlawful assembly is equally liable for the offence.

Learned State counsel opposes the bail on the same ground.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that no overt has been attributed to the petitioner; co-accused have been granted interim anticipatory bail; petitioner has been in custody since 22.04.2022; though the challan has been presented but charges are yet to be framed, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution*

witnesses.

3. *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*

4. *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*

5. *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*

6. *The petitioner shall not in any manner misuse his liberty.*

7. *Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**September 29, 2022**

rimpal

**(AMAN CHAUDHARY)  
JUDGE**

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