

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42660-2022
Date of decision : 21.09.2022

Avtar Singh alias Deepu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Piyush Gill, Legal Aid Counsel
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.131 dated 21.11.2018 registered under Sections 302, 201, 34 IPC at Police Station City-1 Mansa, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 23.11.2018 and has undergone a custody period 3 years, 9 months and 28 days (as on 20.09.2022) and there are 26 witnesses and out of which, 15 witnesses are yet to be examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is submitted that the FIR was registered against the petitioner by complainant Binder Singh on the basis of suspicion that the petitioner was having an illicit relationship with the wife of the deceased. It is also submitted that as per the FIR, it has been stated that the present petitioner

been granted regular bail by a coordinate Bench of this Court vide order dated 08.07.2021 passed in CRM-M-25182-2021.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, the occurrence was witnessed by Harmandeep Kaur who is the daughter of the deceased and she has been examined as PW-4. The custody certificate has been placed on record as per which, the custody period stated by learned counsel for the petitioner, stands reaffirmed.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 23.11.2018 (3 years, 9 months and 28 days) and the investigation is complete and out 26 witnesses, 15 witnesses are yet to be examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. As per the allegations in the FIR, it is the petitioner and Paramjit Kaur i.e., the wife of the deceased, who have allegedly murdered Kiranjit Singh. Co-accused Paramjit Kaur has been granted the concession of regular bail by a coordinate Bench of this Court vide order dated 08.07.2021 passed in CRM-M-25182-2021.

Keeping in view the above said facts and circumstances, moreso, the long custody period of the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the

petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 21, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No