

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41801-2022

Date of Decision:-16.09.2022

Happy Singh

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lalit Goyal, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.41 dated 17.05.2022 under Sections 109, 120-B IPC (Offence under Section 115 of IPC added later on vide Rapat No.30 dated 01.06.2022) registered at Police Station Bariwala, District Shri Muktsar Sahib.

2. The brief facts of the case are that a secret informer informed the police party that Hardeep Kaur @ Veeran and Jaswinder Kaur along with Happy Singh (the present petitioner) son of Jagdish Singh were sitting in a hut near Kothe Bahadargarh Harike Kalan and on the directions of Jagtar Singh, XEN were planning to kill his wife Birinder Kaur when she was to come on the date of hearing in the divorce petition pending against Jagtar Singh. They were to receive their due amount in equal shares. Based

on this information the police party proceeded to the spot and heard the two ladies and a male person having a conversation to the aforesaid effect. Based on the said information and the subsequent investigation by the police, the aforesaid FIR came to be registered.

3. The Counsel for the petitioner submits that the allegations are absurd on the face of it. No recovery has been effected from the petitioner and no overt act has been attributed to him. He further contends that no divorce case is pending between the Birinder Kaur and Jagtar Singh as the same was dismissed as withdrawn on 23.02.2021 and the present FIR was registered only on 17.05.2022. He thus contended that the entire case is a fabrication. The present FIR is an outcome of the influence exercised by Birinder Kaur whose uncle is an Ex-MLA and her cousin is a public prosecutor. He contends that there is no evidence at all to connect the petitioner with the said occurrence. It is lastly contended that co-accused of the petitioner, namely, Jaswinder Kaur and Hardeep Kaur, have been granted the concession of regular bail by this Court vide order dated 13.07.2022 passed in CRM-M-28858-2022 and co-accused Jagtar Singh has been granted the concession of anticipatory bail by this Court vide order dated 30.08.2022 passed in CRM-M-26397-2022 and therefore the petitioner ought to be granted the concession of bail.

4. The Counsel for the State on the other hand opposes the bail application but does not dispute the factual position that no incriminating material including the weapon of offence has been recovered from the petitioner and he is in custody since 17.05.2022.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioner is not involved in any other case and

as such does not have criminal antecedents. The alleged main accused Jagtar Singh at whose instance the entire occurrence is said to have taken place has been granted the concession of anticipatory bail by this Court vide order dated 30.08.2022 and co-accused, namely, Jaswinder Kaur and Hardeep Kaur @ Veeran, have been granted the concession of regular bail by this Court vide order dated 13.07.2022.

7. Keeping in view the aforesaid facts, the further incarceration of the petitioner is not required. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Happy Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 16, 2022
sukhpreet

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