

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42680-2022 (O&M)
Date of Decision: 02.12.2022

(I)

Amandeep Singh @ AK

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-25771-2022 (O&M)

(II)

Babbu Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Bhinder, Advocate,
for the petitioner in CRM-M-42680-2022.

Mr. Sandeep Siwach, Advocate for
Mr. P.S. Dhaliwal, Advocate,
for the petitioner in CRM-M-25771-2022.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Munish Raj Chaudhary, Advocate,
for the complainant.

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. 115 dated 27.03.2022, under Sections 307, 379-B, 323, 325, 341, 506, 148 and 149 IPC, registered at Police Station City Barnala, District Barnala.

It has been submitted by both the learned counsels for the petitioners that the petitioners are in custody from 30.03.2022 and investigation of the case has been completed and thereafter, the challan has been presented. They submitted that it is a case where both the petitioners have been falsely implicated. They further submitted that apart from the above even as per the FIR itself, no specific roles have been attributable to the present two petitioners as in the FIR it has been so recorded that two co-accused namely Beant Singh @ Bunty and Pala Singh had given injuries to the injured person and no specific role has been attributable to the present petitioners, although their names have been mentioned. They submitted that the police has completed the investigation and now no recovery is to be effected from the petitioners and trial of the case may take long time and therefore, the petitioners may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab. has submitted that it is correct that the petitioners are in custody from 30.03.2022 and investigation of the case has been completed and thereafter, the challan has been presented. He has however submitted that both the petitioners were also part of the unlawful assembly and therefore, they do not deserve concession of regular bail.

I have heard the learned counsel for the parties.

Both the petitioners are in custody from 30.03.2022 and the

investigation of the case is complete. As per the contents of the FIR, two persons attributed injuries i.e. Beant Singh @ Bunty and Pala Singh. It is yet to be ascertained at the time of trial as to whether any role is attributable to the present petitioners or not. Furthermore, 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.

02.12.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No