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

**CRM-M-43750-2022
Date of Decision: 08.12.2022**

Amritpal Singh Petitioner
Versus

State of Punjab Respondent

CRM-M-44243-2022

Kuldeep Singh @ Kuldeep Singh Dhaliwal Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Grewal, Advocate,
for the petitioner in CRM-M-43750-2022.

Mr. Davinder Kumar, Advocate for
Mr. P.K.S. Phoolka, Advocate,
for the petitioner in CRM-M-44243-2022.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.53 dated 21.04.2019, under Sections 302, 148, 149 & 120-B of the IPC, registered at Police Station Cant Bathinda, District Bathinda.

It has been submitted by both the learned counsels for the

petitioners that the petitioner, namely, Amritpal Singh is in custody since 19.03.2021, which is about 1½ years and the petitioner, namely, Kuldeep Singh @ Kuldeep Singh Dhaliwal is in custody since 26.04.2019, which is about 3½ years and both of them are not habitual offenders and are not involved in any other case. They further submitted that after the completion of investigation of the case, challan has been presented before the competent Court and thereafter, the charges have also been framed on 11.08.2021, which is more than one year ago and now all the material witnesses have been examined which are four in number. They also submitted that the other co-accused, namely, Lovepreet Singh alias Labhi and Tegveer Singh had also filed two separate petitions i.e. CRM-M-11722-2022 and CRM-M-36122-2022 before this Court and vide order dated 09.09.2022, both the petitioners along with third co-accused, namely, Gurdeep Singh @ Poppy have been extended the benefit of regular bail and the present petitioners are at parity with the aforesaid two co-accused, namely, Lovepreet Singh alias Labhi and Tegveer Singh. They also submitted that in the aforesaid cases of the co-accused, this Court had rather directed the trial Court to ensure that at least material witnesses should be examined as expeditiously as possible and now all the material witnesses have been examined including the complainant. They further submitted that it is a case where the allegations were that the petitioners along with the other co-accused came to the house of the deceased by using various weapons and caused injuries wherein he was taken to the hospital there he succumbed to the injuries. They also submitted that the present two petitioners are also entitled for grant of regular bail on the ground that the

other two co-accused, who are at parity with the present petitioners have been granted regular bail, the long custody of both the petitioners, the fact that all the material witnesses have now been examined and the clean antecedents of both the petitioners.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner, namely, Amritpal Singh is in custody since 19.03.2021, which is about 1½ years and the petitioner, namely, Kuldeep Singh @ Kuldeep Singh Dhaliwal is in custody since 26.04.2019, which is about 3½ years and the other co-accused as mentioned above by both the learned counsels for the petitioners are at parity with the present petitioners. He further submitted that it is also correct that both the petitioners are not a habitual offender and not involved in any other case and all the material witnesses have already been examined.

I have heard the learned counsel for the parties.

Both the petitioners are stated to be at parity with the aforesaid two co-accused, namely, Lovepreet Singh @ Labhi and Tegveer Singh and so far as the petitioner-Amritpal Singh is concerned, he has already faced incarceration for 1½ years and so far as the petitioner-Kuldeep Singh @ Kuldeep Singh Dhaliwal is concerned, he has faced incarceration for 3½ years. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the 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 only meant for the purpose of decision of present petition.

08.12.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No