

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-25949-2022

Date of Decision : November 15, 2022

Ranbir Singh alias Ghalli

.. Petitioner

Versus

State of Punjab

.. Respondent

(206-A)

CRM-M-45652-2022

Prabhjot Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Kumar Vadhera, Advocate, for the petitioner
in CRM-M-25949-2022.

Mr. Jatinder Singh Gill, Advocate, for the petitioner
in CRM-M-45652-2022.

Mr. Teevar Sharma, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, both the petitions, the details of which have been given in the heading of the order, are being decided as both the petitions arise out of the same incident and the prayer of the petitioners is for the grant of regular bail in respect of same FIR No.53 dated 27.05.2021 registered under Sections 307, 452, 148 and 149 of the IPC (Sections 324

and 326 of the IPC added later on) at Police Station Shri Hargobindpur, District Batala.

Learned counsel for the petitioner Ranbir Singh @ Ghalli argues that petitioner Ranbir Singh @ Ghalli was not named in the FIR but has been roped in the present case on the basis of the disclosure statement of the co-accused and weapon or the injury has been attributed to him. Learned counsel for the petitioner submits that similarly situated co-accused namely Onkar Singh and Gurbhej Singh have already been extended the concession of regular bail by this Court, copies of which orders have been appended as Annexures P-7 and P-8 with this petition.

Learned counsel for the petitioner Prabhjot Singh argues that though the petitioner was named in the FIR but in the FIR, he was attributed with *datar* as weapon, which attribution has been changed by the complainant to *kirpan*. Learned counsel for the petitioner submits that when the victim was examined in the Civil Hospital, he was found injured with only two injuries whereas, the said description of the injuries not only got changed but the number of injuries also got increased in the report of a private hospital. Hence, the petitioner, who is behind the bars for the last approximately one year and five months, be extended the concession of regular bail as the trial is likely to take some time before it concludes.

Learned counsel for the petitioners argues that keeping in view the discrepancy in the statement of the complainant coupled with the fact that the complainant has already been examined and some of the similarly situated co-accused, who were not named in the FIR, have already been extended the concession of regular bail, the petitioners be also extended the same as the trial is yet to commence in the present case as an application

under Section 319 Cr.P.C has been filed, which has been allowed so as to summon the additional accused.

Notice of motion.

Mr. Teevar Sharma, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Tajinder Singh, submits that though it is conceded that accused Ranbir Singh @ Ghalli was not named in the FIR but has been roped in the present case only on the basis of the disclosure statement of co-accused and also the fact that similarly situated co-accused namely Onkar Singh and Gurbhej Singh have already been extended the concession of regular bail but as the allegations against the petitioners are serious in nature, the prayer of the petitioners for the grant of regular bail may kindly be declined as there is a specific allegation against the accused Prabhjot Singh.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

While considering the claim of the petitioners for the grant of regular bail, this Court is to ensure whether the grant of the said benefit would cause prejudice with regard to the conduct of the trial or influence the trial or the witnesses in any manner. The complainant has already been examined but it has been conceded by the State counsel that there is a variation in the statement of the complainant with regard to attribution of a particular weapon to the accused Prabhjot Singh in the FIR and in his statement. Though the guilt or the innocence of the petitioners will be proved keeping in view the entire evidence, which will come on record but

as the complainant has already been examined and keeping in view the fact that application filed by the prosecution under Section 319 Cr.P.C has been allowed and additional accused have been summoned and 15 cited witnesses are to be examined, the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioners behind the bars during the entire period of trial as this Court has ensured by the learned counsel for the petitioners that in case, the prayer of the petitioners for the grant of regular bail is accepted, they will not interfere in the trial or will not influence the witnesses in any manner. It is made clear that in case of the default of the said undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

Both the petitions are allowed in above terms.

A photocopy of this order be placed on the file of other connected case.

November 15, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes