

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-52236-2021

Date of Decision: January 28, 2022

Vicky

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Fariad Singh Virk, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.192 dated 29.11.2020 registered under Sections 302, 34, 109 & 120-B of the Indian Penal Code, 1860 and Sections 25, 54 and 59 of the Arms Act at Police Station Ghagga, District Patiala.

Learned counsel for the petitioner argues that in the present case, the only role attributed to the petitioner is of conspiring along with other co-accused namely Balwinder Singh @ Bittu so as to kill the victim and for that purpose, he had provided a motorcycle to the co-accused, who actually executed the victim. Learned counsel for the petitioner submits that the allegation of conspiracy are yet to be proved and a similarly situated co-accused namely Jagmail Singh @ Nikka, against whom the similar allegation of instigating the main accused Balwinder Singh @ Bittu to kill

the victim are alleged, has already been extended the concession of regular bail and therefore, the petitioner, who is similarly situated as co-accused Jagmail Singh @ Nikka, may also be extended the concession of regular bail.

Learned counsel for the respondent-State submits that the petitioner was not found at the site of the occurrence but his role was of conspiring and providing a motorcycle to the main accused, who committed crime though, the said motorcycle is in the name of the brother of the petitioner. Learned counsel for the respondent-State concedes that co-accused namely Jagmail Singh @ Nikka, against whom the similar allegations of instigating the main accused to commit the crime are alleged, has already been extended the concession of regular bail.

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

Keeping in view the fact that the only allegation against the petitioner is of conspiring to commit crime, which allegation is yet to be proved during the trial coupled with the fact that co-accused against whom the allegation was of instigating the main accused to commit the crime, has already been extended the concession of regular bail and the petitioner is behind the bars for the last more than one year, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid-19.

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

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

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.

(HARSIMRAN SINGH SETHI)
JUDGE

January 28, 2022
harsha

Whether speaking/reasoned?: Yes/No
Whether reportable? : Yes/No