

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54146-2021 (O&M)
Date of Decision:-27.9.2022

Nirmal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umaid S. Mann, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.
assisted by ASI Jung Bahadur Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0002, dated 2.1.2020, Police Station Majitha, District Amritsar, under Sections 302, 120-B, 148, 149 of Indian Penal Code, wherein offences under Sections 25/27/54/59 of Arms Act, offences under Sections 420, 467, 468, 471 of Indian Penal Code and offences under Section 12 of Passport Act, 1967 were added later on.
2. The FIR was lodged at the instance of Charanjit Kaur, wherein it is alleged that on 2.1.2020, when her brother-in-law Gurdeep Singh was returning home from Gurdwara Sahib, 3 young persons riding a motorcycle fired at Gurdeep Singh and fled away from the spot. Although Gurdeep Singh was

taken to hospital but he breathed his last. The complainant suspected that her brother-in-law Gurdeep Singh has been got killed at the instance of Harmanpreet Singh and his father Nirmal Singh (petitioner) in connivance with unknown persons as said Harmanpreet Singh and his father Nirmal Singh had threatened to kill Gurdeep Singh during elections.

3. Learned counsel for the petitioner submitted that admittedly the petitioner is not amongst the three persons, who had come on a motorcycle and had fired at the deceased and that the petitioner alongwith his son Harmanpreet Singh is being roped in the present case with the aid of Section 120-B of Indian Penal Code. It has further been submitted that since petitioner has been behind bars since last one year and trial has not even commenced till date, he deserves to be released on bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there is disclosure statement of co-accused indicating his involvement, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 1 year and is otherwise not involved in any other case. Learned State counsel has further informed that in the present case, charges are yet to be framed and as many as 39 PWs have been cited.
5. This Court has considered rival submissions.
6. It is not in dispute that the petitioner is not amongst the assailants, who had fired at the deceased, and the allegations against him are that the petitioner had conspired for the purpose of getting the deceased eliminated. However,

without making any expression as regards the allegations or the evidence collected by the police but while noticing that the petitioner has been behind bars since the last about 1 year and has a clean record and that conclusion of trial is likely to consume time inasmuch the trial has not even commenced till date and 39 PWs have been cited, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Since the petitioner as well as the family of the deceased are stated to be residing nearby, the Trial Court shall impose necessary conditions so as to ensure that the petitioner does not indulge in any other similar offence and does not intimidate the witnesses in any manner.

27.9.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No