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

**CRM-M-53771-2021
Date of Decision: 26.07.2022**

Mandeep Singh alias Robby Petitioner
Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.182, dated 31.07.2019 under Sections 460, 436, 302 & 34 of the IPC, registered at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.08.2019 and the petitioner was arrested only on the basis of suspicion and he was not involved in the present case and he has already faced incarceration for about 3 years, and therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, on instructions from A.S.I. Lachhman Singh, has submitted that it is correct that the petitioner is in custody since 02.08.2019. He has however opposed the grant of bail to the petitioner on the ground

that it is a case where the petitioner along with another co-accused had scaled the wall of deceaseds' house and after looting the house, set the house on fire and killed the husband and wife, namely, Surjit Singh and Baldev Kaur and thereafter, they also made extra-judicial confession. He further submitted that out of 31 cited witnesses, 14 have already been examined and the trial is now commencing fast and considering the magnitude and severity of the present case and also the fact that the State has got an apprehension that in case the petitioner is released on bail then he may flee or abscond from justice, therefore, he should not be granted regular bail. He also submitted that one of the material witness, namely, Sukhdev Singh, who had informed the police with regard to the involvement of the present petitioner is yet to be examined and there is a likelihood that in case the petitioner is released on bail then he may influence the witness.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody from 02.08.2019 but the magnitude and seriousness of the present allegations whereby husband and wife were allegedly killed after committing a theft and setting the house on fire would disentitle the petitioner for grant of regular bail. Apart from the same, the learned State counsel has expressed an apprehension that one of the material witness is yet to be examined and in case the petitioner is released on bail then he may influence the witness and he has also expressed an apprehension that in case the petitioner is released on bail then he may flee or abscond from justice. The apprehension expressed by the learned State counsel cannot be ignored in view of the severity of the offence involved in the present case.

Consequently, finding no merit in the present petition and the same is hereby dismissed.

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.

26.07.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |