

CRM-M-1089-2022 (O&M)
CRM-M-1929-2022 (O&M)
CRM-M-55479-2022 (O&M)

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Neutral Citation: 2023:PHHC:060097

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215 CRM-M-1089-2022 (O&M)
Date of decision: 27.04.2023

JASWINDER SINGH @ SUKHWINDER SINGH AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

AND

CRM-M-1929-2022 (O&M)

HARDIP KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

AND

CRM-M-55479-2022 (O&M)

NAVJEET SINGH @ NAVI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. C. S. Bagri, Advocate and
Mr. Santosh Kumar, Advocate
for the petitioners in CRM-M-1089-2022

Ms. Sarika Gupta, Advocate
for the petitioner in CRM-M-1929-2022

Mr. S. S. Saron and Mr. M. B. Rajwade, Advocates
for the petitioner in CRM-M-55479-2022

Mr. Manipal Singh Atwal, DAG, Punjab

Mr. P. S. Ahluwalia, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. Present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case of FIR No. 50 dated 20.05.2021, registered under Sections 302, 307, 323, 506, 34 and 120-B IPC at Police Station Sadar Banga, District SBS Nagar.

2. Learned counsel contend that the petitioners have been in custody for the last about 1 year 11 months. The attribution to petitioners-Jaswinder @ Sukhwinder Singh and Hardeep Singh is of being seated on the tractor which was allegedly driven by co-accused Amrik Singh, with which the deceased was allegedly hit and died. Whereas, Navjeet Singh @ Navi is stated to have jumped off the tractor at the relevant time as per the statement of PW1 Sarabjit Singh, with whom no enmity with the family of the deceased had been alleged, as has been to Jaswinder Singh, being son of Amrik Singh. They are not involved in any other case. The material witnesses including complainant and injured witness stand examined. However, there are 25 more witnesses to be examined.

3. Learned State counsel opposes the bail on the ground that as per the allegations, all the petitioners were present at the time of the alleged occurrence in which Darshan Singh died and Amandeep Kaur was injured. However, he is unable to controvert the other submissions with regard to the custody, stage of the trial wherein material witnesses have been examined and the non-involvement of the petitioners in any other criminal case.

4. Heard.

5. In view of the facts and circumstances of the case, particularly that the petitioners have been in custody for the last about 1 year 11 months; are not involved in any other case; material witnesses including the complainant and injured have been examined, however, 25 prosecution witnesses are yet to be examined; the trial is likely to take considerable time, their further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless exempted by a specific order of Court.
4. The petitioners will not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners will not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse their liberty.

7. The petitioners will furnish their addresses and mobile numbers to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioners will deposit their passports, if any, with the Trial Court forthwith and in case, they do not have the passport, they will furnish a specific affidavit in this regard.
7. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.
8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.
9. Photocopy of this order be placed on the files of other connected cases.

(AMAN CHAUDHARY)
JUDGE

27.04.2023
Mehak

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