

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-289-2023 (O&M)

Date of Decision: 28.08.2023

JASPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

The present second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.103 dated 03.04.2020, under Sections 302, 148, 149, 188; Section 201 IPC (added) and Section 269 IPC (deleted later on) and Sections 51 and 52 of Disaster Management Act, 2005, registered at Police Station Sadar Tarn Taran, District Tarn Taran, the first one having been dismissed as withdrawn on 05.09.2022.

Learned counsel for the petitioner submits that the FIR in question was registered by Satnam Singh with an allegation that the petitioner along with the other co-accused have inflicted injuries on the person of his father, namely, Tejinder Singh, who has died because of the said injuries; that, though, the petitioner is alleged to had been armed with a dang, yet the fact remains that there was no injury on the person of Tejinder Singh (since deceased) with the said dang; that only kick blows

on the person of the deceased have been attributed to the petitioner and that too on the non-vital parts and that the co-accused, namely, Sukhdev Singh, has already been granted the concession of regular bail on 20.12.2022. He further submits that, at one stage, the petitioner was declared as a proclaimed offender on 13.08.2020; that, thereafter, the petitioner surrendered on 04.03.2021 and since then, he has been in custody i.e. for more than 2 years 5 months and 25 days and that out of total 40 prosecution witnesses out of which only 08 have been examined, so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was armed with a dang and had given kick blows on the person of deceased. He further submits that dang had been recovered from the petitioner and that the material prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though, it is a case in which Tejinder Singh has lost his life because of the injuries inflicted on his person by the petitioner along with the other co-accused, yet the fact remains that only kick blows have been attributed to the petitioner and that too on the non-vital parts. No fatal injury has been attributed to the petitioner, who has been in custody since 04.03.2021 i.e. for about 2 years 5 months and 25 days. Recovery of dang

has already been effected. Co-accused has since been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

28.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No