

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

**CRM-M No.1240 of 2023 (O&M)
Date of Decision: 17.11.2023**

Simranjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rajeev Anand, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

Mr. Pushpinder Kaushal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.69 dated 25.03.2019, under Sections 302, 323, 148, 149 & 120-B of the Indian Penal Code, 1860, registered at Police Station Samrala, District Khanna.

(2) Above FIR was registered on the basis of statement made by complainant-Ravinder Singh @ Sonu with the allegations that his mother-Ranjit Kaur is the present Sarpanch of the Village and Manjit Kaur wife of Harjinder Singh lost the said election and due to that reason, there was a rivalry between both sides. On 24.03.2019, complainant and his brother-Gurpreet Singh @ Laddi were returning from the fields. At about 06:30 PM, when they reached near the Shop of one Gurjit Singh, petitioner along with other co-accused attacked on the head of Gurpreet Singh. Meanwhile, mother of the complainant

also came at the spot and they called the neighbours to save them. However, accused fled away from the spot after causing injuries to Gurpreet Singh. Thereafter, injured was shifted to IVY Hospital; where he was declared dead.

(3) Contends that petitioner is in custody since 26.03.2019; he has been falsely implicated in the present case. Also contends that only *Danda* blow has been attributed to the petitioner. Further contends that 03 co-accused with similar allegations have already been granted regular bail by the Coordinate Bench(es) in CRM-M Nos.30468, 38781 & 40081 of 2022, decided on 26.05.2023 & 24.07.2023, respectively. Lastly contends that petitioner was granted interim bail on two occasions i.e. 16.01.2023 & 26.07.2023 and he never misused the concession.

(4) *Per contra*, learned State Counsel, after going through the orders dated 26.05.2023 & 24.07.2023, granting bail pending trial to co-accused, namely, Bharpur Singh @ Bhura, Harmeet Singh @ Babbu & Jaspreet Singh @ Pitti, is not able to controvert that petitioner was attributed *Danda* blow; thus, his case would be at par with the aforesaid co-accused.

(5) Learned Counsel for the complainant has also acknowledged the above factual position; but opposed the prayer of petitioner for regular bail.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) Concededly, petitioner had been in custody since 26.03.2019 i.e. more than four years and co-accused with similar allegations were released on bail pending trial by the Coordinate Bench(es), vide orders dated 26.05.2023 & 24.07.2023. In terms of order dated 26.07.2023, as on today, petitioner is on interim bail and there is no allegation that he has misused the concession in any manner.

(8) In view of the above, present petition is allowed and order dated 26.07.2023 is made absolute. Petitioner be admitted to bail pending trial on his furnishing fresh bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

(10) The above observations may not be construed as an expression of opinion on the merits of the case.

(11) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

(12) Pending application(s), if any, shall also stand disposed off.

November 17th, 2023

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>