

CRM-M-5270-2022
Decided on : 20.01.2023HARJINDER SINGH ALIAS KAMAL SINGH ALIAS DODHI
..... Petitioner.

VERSUS

STATE OF PUNJAB
....Respondent**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Vivek Singla, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

The instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.409 dated 28.09.2020 under Sections 302, 148, 149, 120-B IPC (Sections 459 325, 323 and 506 of IPC added lateron), registered at Police Station City Barnala District Punjab.

Learned counsel for the petitioner while inviting the attention of this Court to the FIR in question, submits that though the petitioner was named therein, however, the only attribution qua him was of inflicting simple injuries with a Danda on the deceased and a witness Sukhpreet Singh. He submits that the fatal injuries inflicted on the deceased Malkit Singh have been attributed to co-accused Gulab Singh @ Gagga with a sword and not to the petitioner. Learned counsel still further submits that

the petitioner has now been in custody since 30.09.2020 and there is no likelihood of the trial concluding in the near future as none of the 27 prosecution witnesses cited have been examined so far. He further submits that since the investigation is complete and charges stand framed, further incarceration of the petitioner in the above circumstances would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to dispute the factual aspect of the submissions made qua the role and injury attributed to the petitioner in the crime in question. Learned State counsel on instructions from ASI Karamjit Singh has apprised the Court that co-accused Dimple Singh, who too allegedly participated in the crime in question was extended the concession of bail by this Court vide order dated 20.09.2022.

On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he on instructions has apprised the Court that the petitioner has no criminal antecedents.

Heard learned counsel for the parties and perused the relevant material available on record.

In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has been in custody for more than two years having been arrested on 30.09.2020, there is no likelihood of the trial concluding in the near future as prosecution evidence is yet to commence, this Court deems it fit to extend the concession of bail to the

petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

20th January, 2023
Sapna

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