

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

(209)

CRM-M-7770 of 2023
DATE OF DECISION:-26.04.2023

Harpreet Singh

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anurag Chopra, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Amit Arora, Advocate, for the complainant.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.80 dated 02.06.2022 under Sections 302, 326, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act, registered at Police Station Sarhali District Tarn Taran.

(2) As per FIR, allegations against the petitioner are that he actively participated in the incident involving the murder of deceased-Shamsher who happened to be the son of complainant. As per allegations the petitioner was holding *sword* in his hand.

(3) Learned counsel for the petitioner submits that the petitioner is in custody for a period of more than 10 months, investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges. He also submits that out of the total of 21, only 4 have been examined so far, including the complainant. Learned counsel

further submits that as per the medical evidence, there is no injury upon

the person of the deceased which can be alleged to have been inflicted with sword.

(4) On the other hand, learned State counsel assisted by Mr. Amit Arora, Advocate, appearing for the complainant vehemently oppose the prayer made, while submitting that petitioner actively participated in the incident which resulted into the murder of Shamsher Singh and recovery of *sword* used in the commission of offence, was also effected from him.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) Considering the fact that petitioner has already suffered incarceration for a period of more than 10 months and material witness i.e. eye-witness/complainant who happens to be the mother of the deceased already stands examined, there being no injury found upon the person of the deceased corroborating the weapon of offence allegedly recovered from the petitioner, besides the fact that co-accused namely Sarabjit Singh has already been granted concession of regular bail vide order dated 19.12.2022 passed in CRM-M-48554 of 2022, I do not find any reason to extend the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as

an expression on the merits of the case.

26.04.2023

anil

whether speaking/reasoned: Yes/No

whether reportable:

(HARKESH MANUJA)

JUDGE

Yes/No