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

**CRM-M-8991-2023 (O&M)
Date of decision : 10.05.2023**

Dilawar Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikrant Pujara, Advocate,
for the petitioner.

Ms. Lavanya Paul, DAG, Punjab,
assisted by SI Surjit Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.180 dated 03.06.2018, under Sections 302, 307, 506, 427, 148, 149, 120-B, 201 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Sidhwan Bet, District Ludhiana Rural.

2. Allegations are that the petitioner along with other co-accused, committed murder of one-Jeet Singh and brief narration would be as under:-

On 03.06.2018 at about 8.30 P.M., when complainant Sukhwinder Singh along with his wife Mandeep Kaur was returning to his native village, Talwara on a motorcycle, accused Rachhpal Singh, Mandeep Singh @ Mannu, Dilawar Singh, Baltej Singh, Sonu, Bachan Singh, Gyani, Gora, Jass, Mohinder Kaur and 5-6 unknown persons armed with *kirpans*, *gandassi* and sticks

suddenly obstructed his way. Rachhpal Singh @ Pala exhorted that complainant should not be spared for having performed love marriage with Mandeep Kaur. Apprehending danger, the complainant escaped after turning back his motorcycle. When he reached a little ahead, he made a phone call to his father Malkit Singh and narrated the entire incident, who assured him of help. After some time, when Malkit Singh along with others reached the spot and joined complainant and his wife, accused persons also reached there and started afflicting injuries on the person of Malkit Singh and Jeet Singh with their respective weapons. On hearing cries for help, people started gathering there and all the accused fled away from the spot. The injured were shifted to Civil Hospital, Sidhwan Bet, where, Jeet Singh, maternal uncle of compliant, succumbed to the injuries.

3. This Court granted interim bail to the petitioner on 27.02.2023, in the following manner:-

“Contends inter alia that petitioner is in custody since 03.06.2018 and out of 27 prosecution witnesses, only 09 have been examined till date.

Learned State counsel will verify the above factual position.

Posted on 31.03.2023.

In view of the period of custody, till the next date of hearing, let petitioner be released on interim bail in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Learned counsel for the petitioner contends that out of 27 prosecution witnesses, 18 have been examined and now the trial is

pending for 17.05.2023. Also submitted that there is no other criminal case pending against the petitioner. He was granted interim bail by this Court on 27.02.2023 and is regularly appearing before learned trial Court. There is no allegation that petitioner is likely to misuse the concession of bail.

5. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.

6. Heard learned counsel for both the sides and perused the paper book.

7. Petitioner was granted interim bail by this Court and he is regularly appearing before the Court below; and there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute; thus, sending him in custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 27.02.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

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.

10.05.2023	(MAHABIR SINGH SINDHU)	
<i>atulsethi</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No