

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

228/2

CRM-M-10837 of 2023

Date of Decision:04.07.2023

Babbu @ Mahabir Singh

....Petitioner

Versus

State of Punjab

.....Respondent

2)

CRM-M-28312 of 2023

Laddi Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anupam Bhanot, Advocate,
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab

Mr. Amardeep Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the cases are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out from the same FIR and the prayer made in both these cases is for the grant of regular bail.
2. Learned counsel appearing on behalf of both the petitioners (in both cases) has submitted that both the petitioners have been falsely implicated in the

present case and in fact it is a case where one person had died and the complainant was injured. She submitted that the main accused in the present case to whom the injuries on the deceased person were attributed namely Chamkaur Singh Fauji was declared innocent by the police during the course of investigation. The application under Section 319 of the Code of Criminal Procedure filed by the State was declined. She further submitted that so far as the role of the present petitioners is concerned, even as per the prosecution the role attributable to the petitioners was giving injuries on the complainant-injured and not upon the deceased. She also referred to an order passed by a co-ordinate Bench of this Court in CRM-M-8233 of 2023 vide which the other co-accused namely Balwinder Singh @ Binder Singh who is exactly at parity with the petitioners and who also allegedly gave blows on the injured and not the deceased, has been extended the benefit of regular bail on 19.04.2023. Similarly, two other co-accused namely Daler Singh and Bachittar Singh have also been extended the benefit of regular bail by a co-ordinate Bench of this Court in CRM-M Nos.19295 and 1302 of 2022 respectively.

3. Learned counsel further submitted that both the petitioners have clean antecedents and are not involved in any other case and they have already suffered incarceration for about two years and two months since they are in custody from 16.04.2021 and three prosecution witnesses have been examined. The trial of the case may take long time. Considering the aforesaid facts and circumstances and also the element of parity with the aforesaid co-accused, they may be considered for the grant of regular bail.

6. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that so far as the period of custody of both the petitioners is concerned,

the same is correct and it is also correct that both the petitioners are not involved in any other case. It is also correct that the aforesaid other co-accused especially Balwinder Singh @ Binder Singh is parity with the present two petitioners since Balwinder Singh @ Binder Singh also inflicted injuries upon the injured person and the present two petitioners also inflicted injuries on the injured person and not on the deceased person. He has however opposed the grant of bail to the petitioners on the ground that the matter is serious in nature.

7. Learned counsel appearing on behalf of the complainant has also opposed the grant of bail to the petitioners on the ground that the injuries were dangerous to life although the same were inflicted on the injured person and not upon the deceased person.

8. I have heard the learned counsel for the parties.

9. It is a case where both the petitioners have faced incarceration for 2 years and 2 months. Another co-accused namely Balwinder Singh @ Binder Singh as aforesaid is stated to be parity with both the petitioners who has been granted the regular bail by a co-ordinate Bench of this Court as aforesaid. Both the petitioners are stated to be not involved in any other case. Three prosecution witnesses have already been examined. It appears that the trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may abscond from justice or influence any witness or tamper with any evidence.

9. Considering the aforesaid facts and circumstances and especially the parity of the petitioners with the other co-accused, this Court deems it fit and proper to grant the concession of regular bail to both the petitioners. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail

subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the cases and is only meant for the purpose of decision of both the petitions.

(JASGURPREET SINGH PURI)

JUDGE

July 04, 2023

dinesh

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