

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-14268 of 2023
Date of Decision : 28.04.2023

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasdeep Singh Gill, Advocate for the petitioner.

Mr. Athar Ahmed, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 108 dated 15.06.2019, registered under Sections 302, 201, 34 IPC (Offence under Section 30,54,59 of Arms Act, 1959 added later) at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

Learned counsel for the petitioner argues that petitioner was not named in the FIR and it is only on the basis of the circumstantial evidence that the petitioner was roped in and is in custody since 16.06.2019. Learned counsel for the petitioner submits that the allegation as being alleged against the petitioner were also alleged against the co-accused, namely, Amrik Singh, who has already been granted the concession of regular bail by the

Co-ordinate Bench of this Court while passing order in CRM No. M-57043

of 2022 decided on 19.04.2023, hence, petitioner being similarly situated as co-accused, Amrik Singh, is entitled for the same benefit on the ground of parity.

Notice of motion.

Mr. Athar Ahmed, learned Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from HC Mandeep Singh concedes the factum of the grant of regular bail to Amrik Singh as well as the fact that the allegation against Amrik Singh and the petitioner are similar but submits that as the present petition relates to the death of Kashmir Singh, the grant of prayer of regular bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded fact that petitioner is behind bars since 16.06.2019. As of now, out of total 30 cited witnesses, only two have been examined including the complainant. It is also a conceded fact by the learned State counsel that the complainant has not supported the prosecution version and has turned hostile. By considering the facts stated hereinbefore, co-accused Amrik Singh has already been extended the concession of regular bail by the Co-ordinate Bench of this Court on 19.04.2023.

It may be stated that the guilt or the innocence of the petitioner will be adjudged on the basis of the complete evidence which will come on record but as the co-accused Amrik Singh, who is concededly similarly situated as the petitioner herein and has already been extended the

concession of regular bail on the ground that the complainant has not supported the prosecution version and has turned hostile as well as keeping in view the status of the trial, according to which, the trial is not likely to be concluded in near future, the petitioner, who is similarly situated as co-accused, Amrik Singh and has already undergone incarceration for approximately period of four years, the concession of regular bail on the ground of parity is extended to the petitioner as well.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 28, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No