

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

CRM-M-14603-2023

Date of decision : 28.03.2023

Paramjit Singh @ Gyani

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh K. Chaudhary, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.180 dated 03.06.2018 registered under Sections 302/307/506/427/148/149/120-B IPC at Police Station Sidhwan Bet District Ludhiana Rural.

FIR was registered at the instance of Sukhwinder Singh with the allegations that he got married with Mandeep Kaur. After his marriage, Rachpal Singh son of Dilawar Singh gave threats of killing him on account of love marriage solemnized with Mandeep Kaur. Complainant and Mandeep Kaur went to the house of in-laws from village Talwada on a motorcycle. When they were coming back to their house, then all of a sudden Rachpal Singh, Mandeep Singh @ Monu, Dilawar Singh, Baltej Singh, Bachan Singh, Giani, Gora, Jassa, Buta Singh and Mahender Kaur along with 5-6 other unknown persons duly armed with kirpans, gandasa and wooden sticks came in front of the motorcycle. The said persons were identified by the complainant in the

headlight of the bike/motorcycle. Rachpal Singh @ Pala raised a lalkara that the complainant should not be allowed to go back and be taught a lesson for getting married with Mandeep Kaur. The complainant took u-turn and ran away from the spot. Thereafter, he made a call to his father Malkit Singh and told him the occurrence. Father of the complainant assured him that he would go along with Jeet Singh, Prem Singh and Rinku. After sometime, father of the complainant along with other persons came on their motorcycles. Thereafter father of the complainant informed the complainant that they have reached at the spot and he should come back. When the complainant came back, he saw that Dilawar Singh, Rachpal Singh @ Pala, Mandeep Singh, Gora, Jassa, Buta Singh, Sonu, Baltej Singh, Bachan Singh, Giani and Mohinder Kaur were carrying weapons in their hands and were giving injuries to the father and uncle of the complainant with their respective weapons. On account of injuries, Jeet Singh (uncle of the complainant) died.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case and in all 11 persons were named in the FIR. He further submits that from the allegations made in the FIR, the role attributed to the petitioner as deposed by the complainant is that he along with other accused gave injuries to father and uncle of the complainant. It is further alleged that no specific injury on the person of deceased has been attributed to the petitioner. It is submitted that the occurrence in question took place on 07.06.2018 and till date out of 25 prosecution witnesses, only 12 witnesses have been examined and petitioner is in custody since 16.09.2018 and is languishing

in jail for the last about 04 years and 06 months. It is submitted that the petitioner deserves to be granted benefit of bail. He further states that 04 co-accused of petitioner have already been granted bail.

On the other hand, Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that petitioner has played an active role in the murder of Jeet Singh. It is further submitted that out of 11 accused, 07 accused have been arrested and 04 accused are yet to be arrested. It is further submitted that out of total 25 prosecution witnesses, 12 witnesses have been examined.

I have heard both the sides at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 16.09.2018. Complainant has been examined as PW-3. As per postmortem report, there were three injuries found on the dead body of the deceased and cause of death was declared to be shock and hemorrhage. Four co-accused have already been granted bail. There is nothing on record to show that present petitioner has any criminal antecedents. Speedy trial is the right of every accused. There is no plausible explanation for the pendency of trial for such a long time. The co-accused who have been granted bail had spent a lessor period of incarceration than the petitioner. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This Court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion

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Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.03.2023
m. sharma

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