

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-21587-2021

Date of Decision: 19.01.2023

Sartaj Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. P.S. Ahluwalia, Advocate with
Mr. H.S. Randhawa, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

This is the third petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.477 dated 27.7.2016 under sections 148, 149, 302, 307, 341 I.P.C and sections 27, 54, 59 of Arms Act, registered at Police Station, Assandh, District Karnal.

As per factual matrix, a complaint was lodged by Sardar Rann Singh, wherein it was alleged that on the date of occurrence he along with his son Amarjit Singh and nephew Manjeet Singh was going in the car. At about 8/8.15 pm when they reached near their village, Sartaj Singh Sarpanch i.e. the present petitioner, Tejpal Singh, Sukhpal Singh, Prabh Sharan Singh and Preet Samrat Singh stopped them. They came out of their vehicle and Sartaj Singh Sarpanch opened fire with his licensed revolver due to which his son Amarjit Singh died and his nephew Manjeet Singh also suffered bullet injuries. A request was made to take legal action against the culprits.

On the basis of the complaint, present FIR was lodged and investigation commenced. Petitioner was arrested on 4.8.2016. He approached the court of learned Addl. Sessions Judge, Karnal for grant of bail, however, after hearing the parties, the same was declined vide order dated 3.9.2019. Aggrieved by the same petitioner has approached this court for grant of bail.

This court vide order dated 21.9.2021 keeping in view the long custody period of the petitioner of 5 years and the application filed by the prosecution under Section 319 Cr.P.C, granted interim bail to the petitioner. Thus, the petitioner is presently on interim bail.

Learned counsel for the petitioner vehemently contends that in all there are 5 accused in the present case and rest 4 are already on anticipatory bail, whereas present petitioner was granted interim bail. He submits that the cross-version case is under section 326 IPC and the trial in the same is virtually at the fag end. He further submits that petitioner has never misused the concession of interim bail granted to him in any manner. He submits that even otherwise before granting interim bail he had completed incarceration for a period of about 5 years. It is submitted that prosecution has cited total 22 prosecution witnesses out of which even half of the witnesses have not been examined. He submits that in the facts and circumstances of the case the interim bail granted to the petitioner deserves to be confirmed.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner, however, he has not denied the fact regarding long custody period of the petitioner.

On the other hand, learned State counsel has submitted that in all there are 22 prosecution witnesses out of which only 6 have been examined. He submits that so far as the cross-version case is concerned the material witnesses have already been examined. He submits that as per information provided to him petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Apparently, petitioner has faced an incarceration for a period of about 5 years. There is nothing on record to show that he has ever misused the concession of interim bail granted to him. Out of the total 22 prosecution witnesses only 6 have been examined by the learned Trial Court. As per information provided to learned State counsel petitioner is not involved in any other criminal case.

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 led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. The interim bail granted to the petitioner is made absolute. Petitioner be enlarged on bail on his furnishing fresh bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

It is also observed that prosecution/complainant would be at liberty to challenge the bail of the petitioner, if, he misuses the concession of regular bail granted to him.

(RAJESH BHARDWAJ)
JUDGE

19.01.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No