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

266-A

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Date of decision: 24.04.2023

DALER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.27 dated 23.03.2021 under Sections 307, 452, 323, 506, 326, 201, 148 and 149 of IPC (Section 302 of IPC added later on), registered at Police Station Patti, District Tarn Taran, Punjab.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the case in question on totally false and fabricated allegations. It is alleged that on 20.03.2021, the petitioner and other co-accused armed with Kapa, dangs etc. came to the house of the complainant and gave beatings to the complainant and her family members whereas, the petitioner was not attributed any injury, neither to the deceased nor to the complainant or her family members. Learned counsel for the petitioner further contends that as per FIR the main accused in the present case is Chamkaur Singh Fauji, who is alleged to have inflicted injuries on the deceased and during the course of investigation, he has been found to be innocent and even the application under Section 319 Cr.P.C. filed by the

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prosecution to summon him has also been dismissed. Learned counsel submits that petitioner is not involved in any other case and co-accused, namely, Balwinder Singh @ Binder Singh has already been granted concession of regular bail vide order dated 19.04.2023 in CRM-M-8233-2023 passed by Co-ordinate Bench of this Court and investigation has already been concluded wherein challan stands presented, charges have been framed and out of 27 prosecution witnesses only 03 witnesses have been examined till date.

On the other hand, learned State counsel assisted by Investigating Officer has opposed the aforesaid prayer, however, he has not disputed the fact that Chamkaur Singh Fauji, who is alleged to have inflicted injuries on the deceased, has been found to be innocent during investigation and an application under Section 319 Cr.P.C. filed by the prosecution to summon him has also been dismissed and has admitted that challan stands presented and charges have been framed and in total there are 27 prosecution witnesses and only 03 witnesses have been examined. Learned State counsel also does not dispute that petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 03.04.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the petitioner was not attributed any injury neither to the deceased nor to the complainant or her daughter, as was stated in the FIR that the petitioner along with 04 other persons had caused injuries to them. The other aspect that the main accused in the present case,

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namely, Chamkaur Singh Fauji who as per the FIR has inflicted injuries on the deceased has been declared innocent. Further, since the petitioner is not involved in any other case and the challan stands presented, charges have been framed and out of 27 prosecution witnesses only 03 have been examined and conclusion of trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

The petition is allowed.

April 24, 2023

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(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No