

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

282

CRM-M-19183-2023 (O&M).

Date of Decision: 24.05.2023.

Harinder Singh @ Fiddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Inderpreet Singh Kooner, Advocate, for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab.

VINOD S. BHARDWAJ. J (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR bearing No.0120 dated 26.06.2020, registered under Section 302 of the Indian Penal Code, 1860 at Police Station Sadar Patiala, District Patiala.

Custody certificate filed today in the Court is taken on record.

The above said FIR was registered on the statement of Karandeep Singh son of Raj Singh alleging that he was working as a Manager at Cheema Chicken Centre, New Yadwindra Colony Patiala.

He and his younger brother Gulshan Singh are unmarried and live together. He had gone to Village Sular on 24.06.2020 and was on his way home on 25.06.2020. His younger brother Gulshan Singh did not turn up till 11:00 P.M. on which he went to look out for Gulshan Singh. He saw his brother standing along with Harinder Singh @ Fiddi (petitioner herein) and Bachittar Singh @ Rahul and they were entangled in an argument. Harinder Singh @ Fiddi took a knife from his trunk and stabbed Gulshan Singh in the left thigh on which he fell down. The petitioner is stated to have taken away the knife and ran into the fields. He took his brother on a motorcycle to Chaman Hospital, Bahadurgarh from where he was referred to Rajindra Hospital, Patiala, for treatment after first aid. When he was taken to Rajindra Hospital, Patiala, the examining doctor declared him as "brought dead." Accordingly, the above said FIR has been registered.

Learned counsel for the petitioner contends that the petitioner has already undergone an actual custody period of 02 years, 10 months and 27 days and only six witnesses have been examined so far. The prosecution is relying upon 18 witnesses and that the conclusion of the trial is likely to take longtime since the complainant has moved an application under Section 319 Cr.P.C. to summon one of the witnesses cited by the prosecution as an additional accused.

Learned State counsel contends that petitioner is a habitual offender and that he has committed murder of a young boy of 20 years. It is contended that the petitioner does not deserve the concession of regular bail. He, however, could not dispute that the petitioner has

undergone an actual custody period of 02 years, 10 months and 27 days and that 12 witnesses still remain to be examined. The stage of the trial is also not subject matter of dispute.

Learned counsel for the petitioner, however, controverts that the case in question does not support the charge under Section 302 of the Indian Penal Code and that as there was a single blow on the thigh, it is a matter of trial as to whether there was any intention of causing murder. He further contends that it was a minor altercation between the friends that had turned soar and there was no intention to cause murder.

I have heard the learned counsel appearing on behalf of the respective parties.

Without commenting on the merits of the case and noticing the period of actual custody of 02 years, 10 months and 27 days undergone by the petitioner and also the stage of the trial that out of 18 witness cited by the prosecution only 06 witnesses have been examined and that the trial is pending at this stage for adjudication on the application under Section 319 Cr.P.C., I am of the opinion that conclusion of trial is likely to take long time and that the petitioner has already undergone substantial custody period of 02 years, 10 months and 27 days, I deem it fit to allow the instant application.

Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

May 24, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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