

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20359-2023

Date of Decision: 2.5.2023

Sarabjit Singh alias Saravjit Singh alias Avi alias Abhi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.24 dated 18.3.2020 registered for the offences punishable under Sections 302, 307, 336, 450, 427, 506, 148, 149 IPC and Sections 25, 27, 29 of Arms Act at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. As per allegations recorded in the FIR, co-accused Lakha Singh accompanied by Amrit Pal Singh, Sahil and Malkeet Singh and other unidentified persons trespassed into the house of complainant-Amarjit Singh and they all started firing and some of the shots hit Jasbir Kaur mother of the complainant and even aunt of the complainant namely Narinder Kaur also sustained firearm injury. Later on, Jasbir Kaur died. The petitioner is stated to be named as accused on the basis of the disclosure

statement made by one another co-accused and thereafter, the petitioner was arrested and during investigation, one firearm is stated to be recovered from his possession. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last 2 years and 11 months and is having no criminal history.

3. Counsel for the petitioner *inter alia* contends that the petitioner was falsely implicated in the present case and was arrested on 29.5.2020. He further submits that while appearing in the witness box, complainant-Amarjit Singh and injured eye witness Narinder Kaur have not supported the case of the prosecution qua the present petitioner and copies of their depositions are Annexures P-3 and P-4. He further submits that in the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period and it will take considerable time for trial to conclude.

4. Present petition is resisted by the State counsel, who submits that Lakha Singh, Amritpal Singh, Sahil and Malkeet Singh along with other unidentified persons including the present petitioner trespassed into the house of complainant-Amarjit Singh and they caused fatal injury to Jasbir Kaur mother of the complainant and even Narinder Kaur aunt of the complainant also sustained firearm injury at the hands of the accused persons including the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 2 years and 11 months. State counsel has also not disputed the fact that while appearing in the witness box, complainant-Amarjit Singh and injured eye witness Narinder Kaur have not stated anything against the petitioner.

5. I have considered the submissions made by the counsel for the

parties.

6. In view of above, as the material witnesses namely complainant Amarjit Singh and injured eye witness Narinder Kaur, have not supported the case of the prosecution against the present petitioner and the fact that the petitioner is in custody for the last more than 2 years and 11 months and that conclusion of the trial will take considerable time to complete, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 2, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No