

2023:PHHC:072247

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 221

CRM-M-20524-2023

Date of decision : 18.05.2023

Jatinder Singh @ Billa

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Gurpreet Kaur, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

(1) Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.86 dated 26.07.2022 registered under Sections 307, 120-B, 148, 149 IPC and 25 of the Arms Act, 1959 at Police Station Doraha, District Khanna.

(2) The petitioner, alongwith his co-accused, is being prosecuted for having attempted to murder Sukhdev Singh.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 14.10.2022; he does not have any other criminal antecedents; the investigation in this case is complete and therefore the petitioner is in no position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, there is no role of the petitioner in the firing by co-accused Pawandeep Singh on Sukhdev Singh; as per the prosecution's story the petitioner and Pawandeep Singh had an altercation and when Sukhdev Singh tried to pacify them, Pawandeep Singh shot at him; in fact, it is the petitioner and Gursewak Singh who took Sukhdev Singh to the hospital for treatment; similarly placed co-

accused-Gursewak Singh, who had earlier approached this Court through CRM-M-3371-2023-Gursewak Singh @ Sewaki vs. State of Punjab, has been granted anticipatory bail and that since the petitioner's trial is yet to begin, the same shall take a long time to conclude.

(4) Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has committed an offence under Section 307 IPC and if released on bail, he may influence his trial/or may flee from justice.

(5) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(6) The petitioner is in custody since 14.10.2022; he does not have any other criminal antecedents; the investigation in this case is complete and therefore the petitioner is in no position to influence the same; it is co-accused-Pawandeep Singh who is alleged to have fired upon Sukhdev Singh; similarly placed co-accused-Gursewak Singh has already been granted anticipatory bail by this Court and that since the petitioner's trial has not yet begun, the same is likely to take a long time to conclude.

(7) In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

(8) It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

18.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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