

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-23709-2022 (O&M)
Date of decision: 21.09.2023

Balbir Singh @ Beeru

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kirat Pal Dhaliwal, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks regular bail in case bearing FIR No.142 dated 08.12.2018, registered under Sections 365 IPC; Sections 302, 34, 120-B IPC (added later on) and Sections 25, 27, 54 and 59 of the Arms Act, at Police Station Jodhan, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 08.12.2018; that out of 29 prosecution witnesses, 05 witnesses have been examined so far, and that Section 302 IPC was added at a later stage. No specific role has been attributed to the petitioner. The only allegation against the petitioner is that on the disclosure statements of the petitioner and co-accused, the dead-body of Baba Ajaib Singh was recovered in the presence of Tehsildar. There is no other registered or pending case against the petitioner.

3. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence. On the disclosure statements of the petitioner and co-accused, the dead-body of Baba Ajaib Singh was recovered in the presence of Tehsildar. However, he does not dispute the custody period of the petitioner and that there is no other registered or pending case against the petitioner. He submits that material prosecution witnesses are yet to be examined.
4. I have heard the learned counsel for the parties.
5. Though as per the allegations, the petitioner and co-accused have committed the murder of Baba but the fact remains that the petitioner has been in custody since 08.12.2018 i.e. 04 years, 09 months and 13 days and there is no other registered or pending case against the petitioner. Remaining 24 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.
6. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No