

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-23123-2023

Date of Decision:-20.09.2023

Tarun.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jasraj Singh, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.58 dated 06.04.2022 under Sections 302 and 34 IPC registered at Police Station Division No.4 (Lahori Gate), District Patiala.

2. The brief facts of the case are that the statement of Karamjit Singh @ Nittu was recorded on 06.04.2022 to the effect that his son Pritpal Singh along with his friends Gurdeep Singh, Prem Kumar and Sahil had gone to Mandir Sri Kali Devi, Patiala to offer prayers. Later Pritpal Singh had gone to offer prayers at Mata Sri Pindi Durga near the railway line. While at the parking lot of Godwin Hotel at around 6.10/6.20 am a group comprising Sunny @ Baja and Sibbu and unknown persons approached them (complainant party). An altercation ensued during which Pritpal Singh was attacked and stabbed in the chest by accused Sunny @ Baja and Sibbu. The attackers fled away from the scene leaving Pritpal Singh injured who was

got admitted at Rajindra Hospital, Patiala where he was declared dead.

During the course of the investigation, Sunny @ Baja along with Siblu were arrested on 06.04.2022 itself. They suffered their disclosure statements but no role was attributed to the petitioner.

Thereafter on 08.04.2022 both the said accused were identified by the complainant. The accused also got recovered a motor cycle no.PB-11-CQ-4687 and a knife used in the occurrence which had blood stains on it.

On 09.04.2023 during the course of investigation both the accused suffered a joint statement that on 06.04.2022 during the commission of the offence, the petitioner was also present with them. Consequently, the petitioner was nominated as an accused in the present case.

The petitioner came to be arrested on 09.04.2022 itself and during the course of investigation got recovered a knife without blood stains. The report under Section 173(2) Cr.PC was submitted on 04.07.2022.

3. The Counsel for the petitioner contends that the petitioner is not named in the FIR. The statements of Gurdeep Singh, Prem Kumar and Sahil were recorded under Section 161 Cr.PC on 06.04.2022 wherein the name of the petitioner does not figure. Even in the first disclosure statement of the main accused the petitioner's name does not figure. He came to be nominated as accused only in the second joint disclosure statement dated 09.04.2022. The recovery from the petitioner was of knife which was not blood stained and, therefore, could not be connected with the offence in question. As the petitioner was in custody since 09.04.2022, none of the 23 prosecution witnesses have been examined so far and he was a first time offender, therefore, he is entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner. His co-accused

have disclosed that the petitioner was accompanying them during the occurrence in question. The disclosure statement of the petitioner is also similar in nature. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that the petitioner is a first time offender, in custody since 09.04.2022 and none of the 23 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case shall be adjudicated upon during the course of the Trial. Admittedly the petitioner is not named in the FIR or in the initial statements of witnesses, though he came to be nominated as an accused subsequently. He is a first time offender, in custody since 09.04.2023 and none of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Tarun** son of late Sh. Shiv Charan Lal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 20, 2023
Vinay

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