

CRM-M-25243-2023
CRM-M-29673-2023
CRM-M-25058-2023

2023:PHHC:100722
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213 CRM-M-25243-2023 (O&M)
Date of decision: 04.08.2023

Mukhtiar Singh ...Petitioner

Versus

State of Punjab ..Respondent

CRM-M-29673-2023 (O&M)

Major Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-25058-2023 (O&M)

Pritpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jasdeep Singh Gill, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Gagandeep S. Sirphikhi, Advocate for the complainant.

AMAN CHAUDHARY, J.

1. Prayer in the present petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in FIR No.14 dated 18.02.2022, registered under Sections 302, 323, 148, 149 and 201 IPC, at Police Station Ghanie Ke Bangar, Police District Batala.

2. Learned counsel contends that as per the allegations in the FIR, petitioner-Mukhtiar Singh was attributed the role of having pulled out the deceased-Karambir Singh from the vehicle, whereafter co-accused Tejinder Pal Singh @ Dhido had inflicted the fatal blow. He submits that there are no other injuries on the person of the deceased except the head injury. Petitioner-Pritpal Singh is stated to be holding a baseball bat and caused the injury on the head of Manjeet Singh, which though was declared as simple, while petitioner-Major Singh has been attributed an injury over the forehead of the complainant-Gurwant Singh, which was given by a blunt weapon and declared to be simple in nature. The MLR and PMR have been referred to. The dispute with regard to elections was between two parties i.e. the father of deceased and his brother on one side, the other brothers and relatives of petitioner-Pritpal Singh on the other. Complainant and the eyewitness stand examined, out of the 28 witnesses. None of the petitioners are not involved in any other case. Co-accused-Jaswant Singh, Darshan Singh and Balwinder Singh have been granted bail, after having been in custody for about 11 months, vide orders dated 08.05.2023 (Annexures P3 and P4).

3. The custody certificates dated 04.08.2023, filed by learned State counsel are taken on record. As per the same, the petitioner-Mukhtiar Singh is behind bars for 1 year, 2 months, 27 days and the other two petitioners for 1 year, 5 months and 13 days.

4. Learned State counsel assisted by counsel for the complainant opposes the bail on the ground that the petitioners had actively participated in the commission of offence and specific roles have been attributed to them. He is

however unable to controvert the submissions made regarding the stage of the trial, the petitioners not being involved in any other case and co-accused having been granted bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that petitioner-Mukhtiar Singh has been in custody for 1 year, 2 months, 27 days, while petitioners Major Singh and Pritpal Singh for 1 year, 5 months and 13 days; not involved in any other case; co-accused have been granted bail; Complainant and eye witnesses stand examined, out of 28 prosecution witnesses; the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.

- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

10. Photocopy of this order be placed on the connected files.

04.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

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