

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26847-2022
Date of Decision:-22.03.2023

JOGA SINGH @ BAGGA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Upender Prashar, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.253 dated 6.11.2021 registered under Sections 302, 452, 323, 148, 149, 506 IPC, at Police Station Kamboj, District Amritsar.

The allegations in brief are that the family of complainant Gurphinder Singh was residing in the neighbourhood of Simranjit Singh. That at the time of occurrence Simranjit Singh trespassed into the house of

uncle of complainant, armed with brick and he was accompanied by petitioner Joga Singh @ Bagga Singh and other accused persons. Then Simranjit Singh and Sagar Singh raised lalkaras and Simranjit Singh gave brick blow on forehead of Rajinder Singh brother of the complainant. Sagar Singh also gave brick blow which hit on the forehead of Rajinder Singh. Deepak pelted stone which hit on the left foot of Rajinder Singh. Happy started giving kick blows to Rajinder Singh. Gurpreet Singh @ Gopi pelted stone which hit Ranjit Kaur on her left feet. Petitioner pelted stone which hit on the right hand of Gurmej Singh father of the complainant. Other accused also pelted stones, which hit the complainant and thereafter the accused persons fled away from there.. Later on Rajinder Singh died in a hospital where he was undergoing treatment.

The counsel for the petitioner *inter alia* contends that the petitioner who is having no criminal history is in custody since 6.11.2021 and during investigation no incriminating article was recovered from the petitioner.

The counsel for the petitioner further submits that during trial complainant and other so called eye-witnesses namely Balwinder Singh, Judgepreet Singh and Ravinder Singh are examined out of which 3 of the eye-witnesses have not supported the case of prosecution and even the complainant in his cross-examination failed to identify the accused persons including the petitioner. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude, so prayer is made that the petitioner be released on bail.

The instant petition is contested by the State counsel and the counsel for the complainant, both of whom have submitted that the petitioner actively participated in the occurrence which resulted in death of Rajinder Singh and the petitioner caused injury on the right hand of the father of the complainant. However, the State counsel has not disputed the fact that the petitioner is in custody since 6.11.2021.

The State counsel and counsel for the complainant have also not disputed that the material witnesses are already examined during the trial and that during investigation no incriminating article was recovered from possession of the petitioner.

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

As per the allegations appearing on the record, petitioner gave blow of stone to father of the complainant. There are no allegations that petitioner caused any injury to deceased Rajinder Singh brother of the complainant. The petitioner is in custody since 6.11.2021 and during investigation no weapon or other article was recovered from his possession. Further the complainant and other material witnesses are examined out of which 3 eye-witnesses have not supported the case of prosecution. The exact complicity of the petitioner with regard to murder of Rajinder Singh is subject matter of the trial. The trial is going but it will take considerable time for the termination of trial.

In the given circumstance, so no purpose is going to be served by prolonging judicial custody of the petitioner. Thus, without commenting

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on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

22.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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