

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27118-2023

Date of Decision: 12.12.2023

Beant Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Suvir Kumar, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.02 dated 03.01.2021 registered under Sections 364, 302, 34 of IPC (Sections 120-B, 201 IPC added later on), at Police Station Jaitu, District Faridkot.

2. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. As per the case of the prosecution, the petitioner alongwith his two other co-accused had caught hold of son of the complainant/deceased and Kulbir Kalu, co-accused had caused head injury, which led to death of son of the complainant. Learned counsel further submits that the petitioner had no motive to commit the crime and was wrongly arrested in the instant case. Further, the occurrence had taken place on 27/28.12.2020, however, the FIR was got registered by the complainant on 03.01.2021, after long delay. Learned counsel further contends that similarly placed co-accused, Bhinder Singh @ Dharminder Singh and Hira Singh have already been granted

the concession of bail by this Court vide order dated 24.03.2023 (Annexure P-3). He next contends that the petitioner is in custody since 06.01.2021 and only 15 witnesses, out of total 28 witnesses, have been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner is in continuing in custody since last 02 years and 10 months. However, the trial has not progressed much. Apart from that, two similarly placed co-accused, namely, Bhinder Singh @ Dharminder Singh and Hira Singh have already been granted the concession of bail by this Court, vide order Annexure P-3.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

12.12.2023
hemlata

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