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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27609-2023 (O&M)
Date of Decision: 17.08.2023

Baljit Singh @ Dhadhi Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rajvinder Kaur Sohal, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.58 dated 28.07.2022, under Sections 302 IPC (Section 120-B IPC added later on), registered at Police Station Chamkaur Sahib, District Rupnagar.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for about 11 months and 8 days and the investigation of the case has already been completed and thereafter, even the trial has commenced and now 4 witnesses including the complainant have already been examined and they have not supported the prosecution version. She further submitted that it is a case where the petitioner was nominated on the basis of the disclosure statement of the co-accused, namely, Satwinder Singh to the extent that the deceased was killed by the aforesaid co-accused Satwinder Singh with the aid of another co-accused, namely, Arshdeep Singh. She also submitted that even as per the FIR the deceased was

mentally disturbed person and so far as the role of the present petitioner is concerned, even as per the disclosure statement itself which has been attached as Annexure P-3 wherein it has been so stated by the aforesaid co-accused, namely, Satwinder Singh that there were total 4 persons and out of 4 persons, one was the person, who had given the disclosure statement, namely, Satwinder Singh that there was no fault of the other two persons other than co-accused, namely, Arshdeep Singh. She further referred to Para No.11 of the reply filed by the State in which it has been so stated that the only role of the petitioner was that he was present at the spot but there is no overt act of the petitioner in this regard, since the entire allegations were against the aforesaid two co-accused, namely, Satwinder Singh and Arshdeep Singh. She also submitted that the petitioner has clean antecedents and he is not involved in any other case. She submitted that in view of the aforesaid facts and circumstances of the case and considering the custody of the petitioner and also the fact that the trial of the case may take long time, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that it is correct that the petitioner is in custody for 11 months and 8 days and now 4 witnesses have been examined including the complainant. He has however opposed the grant of regular bail to the petitioner on the ground that he was also present at the spot when the deceased was killed.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner has faced incarceration for 11 months and 8 days and he is not involved in any other case and has clean

antecedents. The present FIR was registered against unknown persons and thereafter, one co-accused, namely, Satwinder Singh was arrested and vide Annexure P-3, he suffered a disclosure statement that there were four persons and there is a direct attribution towards another co-accused, namely, Arshdeep Singh. A perusal of the disclosure statement (Annexure P-3) would show that the aforesaid co-accused has stated that the other two persons were not at fault.

6. In view of the aforesaid position whereby the petitioner was nominated on the basis of the disclosure statement of the co-accused and while considering the disclosure statement (Annexure P-3) and the fact that the petitioner is not involved in any other case and also the fact that 4 prosecution witnesses including the complainant have already been examined, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

17.08.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No