

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-33416-2022(O&M)
Date of decision: 14.02.2023

SAWINDERPAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

CRM-27000-2022

Allowed as prayed for.

MAIN CASE

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 21 dated 09.02.2020 under Sections 307, 336, 323, 427, 148 and 149 IPC (Sections 302 and 326 IPC added later on) read with Sections 25/27 of the Arms Act, 1959 registered at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has been in custody since 04.02.2022. The petitioner was not named in the FIR which was against unknown persons, though specifying the weapons and the injuries that were caused. It is on the disclosure statement of the co-accused Gurvinder

Singh that the name of the petitioner had surfaced as per which the allegation was of he having been armed with *Dang* and gave injury on the left hand of the deceased. Learned counsel submits that during the course of trial, the statements of complainant Sukhraj Singh and Sukhchain Singh, injured have been recorded wherein the role attributed to the petitioner is of having *Dang* and caused injuries alongwith other co-accused who were also armed with *Dang* to the deceased. She further submits that the co-accused Jasbir Singh @ Jasvir Singh has since been granted the concession of bail by this Court vide order dated 30.05.2022 in CRM-M-36057-2021. She submits that though in the said order, the attribution is recorded to be on the shoulder and back of Sukhraj Singh, however, the role as per statements recorded during trial is similar as that assigned to the petitioner. The fatal injury to the deceased was by gun shot which is attributed to co-accused Gurvinder Singh. There are a total of 29 prosecution witnesses but only 2 have yet been examined and the trial is likely to take sufficiently long time.

Learned State counsel has filed custody certificate, same is taken on record. He opposes the bail on the ground that in connivance with each other have caused the death of deceased Santokh Singh and they were present at the spot armed with weapons after preparation. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, grant of bail of the co-accused as also the stage of the trial

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 04.02.2022; the co-accused has been granted the concession of bail; only 2 prosecution witnesses out of a total of 29 prosecution witnesses have been examined; the trial is likely to take a

considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner 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.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his 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 petitioner seeks 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.
8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

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

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

(AMAN CHAUDHARY)
JUDGE

14.02.2023
Mehak

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