

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214-A

CRM-M-36100-2022 (O&M)
Date of decision: 21.09.2023

Daya Singh @ Ram Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sumeet Goel, Senior Advocate with
Mr. Priyavart Prashar, Advocate and
Mr. Shivam Kaushik, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.142 dated 08.12.2018, registered at Police Station Jodhan, Ludhiana, under Sections 365, 302, 34 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959.
2. Learned Senior Counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has been in custody since 10.12.2018; that out of 29 prosecution witnesses, 05 witnesses have been examined so far, and that Section 302 IPC was added at a later stage. The allegations against the petitioner are that deceased-Baba

Ajaib Singh was last seen together with the petitioner and that on his disclosure statement, the petitioner had got recovered the dead body of Baba Ajaib Singh.

3. Learned Senior counsel further submits that as far as FIR No.24 dated 12.04.2016, under Section 302 IPC, Police Station Jodhan, is concerned, the same has been cancelled and the petitioner stands discharged.
4. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is the main accused and has actively participated in the occurrence. During investigation, the petitioner and co-accused have admitted that they have committed the murder of Baba Ajaib Singh and as per their statements the dead-body was recovered in the presence of Tehsildar. However, he does not dispute the custody period of the petitioner. He submits that material prosecution witnesses are yet to be examined.
5. I have heard the learned counsel for the parties.
6. Though as per the allegations, the petitioner and co-accused have committed the murder of Baba but the fact remains that the petitioner has been in custody since 10.12.2018 i.e. 04 years, 09 months and 11 days and FIR No.24 dated 12.04.2016, under Section 302 IPC, Police Station Jodhan, has been canceled and the petitioner stands discharged. Remaining 24 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.09.2023
Mangal Singh

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