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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34646-2023 (O&M)
Date of Decision: 25.07.2023

(I)
Jugraj Singh @ Mantri Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-34313-2023 (O&M)

(II)
Chanan Singh @ Chanan Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner in CRM-M-34646-2023.

Ms. Satwant Mehta, Advocate,
for the petitioner in CRM-M-34313-2023.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with the consent of learned counsel for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail.

2. Both the petitions have been filed under Section 439 of the

Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 27 dated 23.03.2021, under Sections 307, 452, 323, 506, 148 and 149 IPC, registered at Police Station Sadar Patti, District Tarn Taran.

3. Both the learned counsel appearing on behalf of the petitioners submitted that both the petitioners are in custody for more than 2 years and 3 months. They submitted that it is a case where both the petitioners have been falsely implicated and the main accused in the present case was one Chamkaur Singh Fauji to whom the role attributable was that he had caused injuries on the deceased person but he was declared as innocent by the police during the investigation. Thereafter an application was filed under Section 319 Cr.P.C by the State which was declined. They further submitted that so far as the role of petitioner Chanan Singh @ Chanan Singh is concerned, he had inflicted blow not upon the deceased but upon the injured by way of a Kapa and so far as the petitioner Jugraj Singh @ Mantri Singh is concerned, his role was that he had inflicted injuries by way of datar on the injured and not on the deceased. They further submitted that the similar situated co-accused who have exactly at parity with the present petitioners have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-5 which have been attached in CRM-M-34313-2023. They submitted that both the petitioners are not involved in any other case and have got clean antecedents. They further submitted that three witnesses have already been examined and the trial of the case may take long time and therefore, both the petitioners may be considered for the grant of regular bail.

4. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that both the petitioners have faced incarceration for more than 2 years and 3 months and 3 witnesses have been examined. So far as the parity

of the present petitioners with the aforesaid co-accused who have been extended the benefit of regular bail by this Court is concerned, he submitted that the petitioners are also at parity with the aforesaid co-accused and it is also correct that both the petitioners are not involved in any other case and have got clean antecedents

5. I have heard the learned counsel for the parties.

6. Both the petitioners have faced incarceration for more than 2 years and 3 months and the other co-accused as aforesaid have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-5. The petitioners are at parity with aforesaid co-accused, as per both the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

8. Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

25.07.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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