

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37891-2022
Date of decision: 12.05.2023

Roshan Singh @ Har Roshan Nath ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Ramandeep Kaur, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.81 dated 20.05.2019 under Sections 365/120B of IPC, 1860 whereas challan has been presented under Sections 306/342/201/120B of IPC, 1860 and deleted other sections of IPC, registered at Police Station Sadar Faridkot, District Faridkot (Annexure P-1).

2. The brief facts of the prosecution case are that the present FIR was registered on the complaint of Gurcharan Singh on the allegation that his nephew, Jaspal Singh, had been apprehended from Gurudwara Sahib Rati Rori on 18.05.2019 by Inspector Narender Singh, In charge, CIA Staff. Said Jaspal Singh was illegally detained in lock up, where he committed suicide and left behind a suicide note written with his finger on the wall of the cell. Though the suicide note is alleged to have been washed and the body disposed of by Inspector Narender Singh and MHC Darshan Singh in Rajasthan Feeder Canal, but a picture of the suicide note has been recovered from the mobile of HC Sukhmander Singh. Inspector Narender Singh had also died due to accidental

gun shot injury. As per the allegations of the complainant, co-accused Ranbir Singh was suspecting a relationship between deceased Jaspal Singh and his daughter Simmu. Said Ranbir Singh allegedly hatched a conspiracy with petitioner-Roshan Singh to get deceased Jaspal Singh implicated in a false criminal case and in case the plan did not succeed, then the petitioner-Roshan Singh was to kill him.

3. Learned State counsel has filed the status report/reply dated 12.05.2023 which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. She further submits that the petitioner was not named in the FIR and has been nominated as an accused on the disclosure statement of co-accused namely Jaswant Singh @ Bitta, who along with other co-accused have already been granted concession of regular bail by a coordinate Bench of this Court vide order dated 04.03.2022 passed in CRM-M-21560-2021 (Annexure P-3). She further submits that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 37 witnesses 05 have been examined. She further submits that the custody period of the petitioner is 03 years 10 months 14 days. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Learned counsel has relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced as

under:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

5. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is involved in 7 other cases and in those cases either the petitioner has been acquitted; already undergone the sentence awarded and in FIR No.52 dated 21.07.2022 under Sections 25/54/59 of the Arms Act, 1959 he is in custody and in other cases he is on bail. However, he could not dispute the fact that other co-accused have already been granted concession of regular bail by a coordinate Bench of this Court; custody period of the petitioner is 03 years 09 months 28 days; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 37 witnesses 05 have been examined.

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

7. Keeping in view the custody of the petitioner, which is about 03 years 09 months 28 days; other co-accused have already been granted concession of regular bail by a coordinate Bench of this Court; investigation is complete; challan has been presented; charges have been framed and out of 37 witnesses, 05 witnesses have been examined; no recovery has been effected from the petitioner; and trial is likely to take a considerable time.

8. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. Accordingly, the present petition stands disposed of.
10. Nothing observed herein shall be construed as an expression of
opinion on the merits of the case of either parties.

12.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

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