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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40805-2023
Date of Decision: 24.08.2023

Nirmal Singh @ Kalu and another Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sultan Singh Gill, Advocate
for the petitioners.

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 petitioners in case bearing FIR No.14 dated 16.04.2023, under Sections 323, 324, 365, 379-B, 148 & 149 IPC (Sections 307, 201, 341 & 34 IPC added later on), registered at Police Station Mattewal, District Amritsar Rural.
2. It has been submitted by learned counsel for the petitioners that petitioner No.1 is in custody since 15.06.2023 and petitioner No.2 is in custody since 22.04.2023 and the investigation of the case has already been completed and thereafter, the challan has also been presented before the competent Court. He further submitted that as per the allegations, the complainants, who are father and son, they were allegedly attacked by four persons, out of which, two persons have been declared as innocent and remaining two persons, who had caused injuries as per the FIR were Jatinder Singh @ Bau and his wife. He further submitted that the aforesaid co-

accused, namely, Jatinder Singh @ Bau has already been extended the benefit of regular bail by this Court in CRM-M-33397-2023 on 19.07.2023 vide Annexure P-2 and his wife, namely, Maninder Kaur has also been granted interim anticipatory bail by this Court in CRM-M-38298-2023 on 07.08.2023 vide Annexure P-3. He submitted that so far as the present two petitioners are concerned, the allegations against them were that they were also part of the unlawful assembly but the main allegations was against the aforesaid two co-accused, who have been granted bail by this Court. He also submitted that even otherwise also it is a case where the complainants, who are father and son, are Non-resident Indian and they have already left India, therefore, there is no apprehension that in case the petitioners are released on bail then they may threaten the witnesses. He further submitted that the present petitioners are rather at a better footing than the aforesaid co-accused, namely, Jatinder Singh @ Bau, in view of the fact that the petitioners are not involved in any other case. He also submitted that the petitioners have clean antecedents and they are not involved in any other case. He submitted that in view of the aforesaid facts and circumstances of the case and also the fact that the trial of the case may take long time, the petitioners may also 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 No.1 is in custody since 15.06.2023 and petitioner No.2 is in custody since 22.04.2023 and the investigation of the case has been completed and thereafter, the charges have also been framed by the learned trial Court. He further submitted that it is also correct that the petitioners have clean antecedents and they are not

involved in any other case and the other co-accused, namely, Jatinder Singh @ Bau has been granted regular bail by this Court vide Annexure P-2 and his wife, namely, Maninder Kaur, has been granted interim anticipatory bail by this Court and both are the main accused in the present case.

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

5. It is a case where petitioner No.1 is in custody since 15.06.2023 and petitioner No.2 is in custody since 22.04.2023 and they are not involved in any other case and have clean antecedents. The other co-accused, namely, Jatinder Singh @ Bau has already been extended the benefit of regular bail by this Court vide Annexure P-2 and his wife, namely, Maninder Kaur, has also been granted interim anticipatory bail by this Court vide Annexure P-3 and even otherwise also as per the learned counsels for the parties, the complainants, who are father and son, are Non-resident Indian and they have already left India and therefore, the argument raised by the learned counsel for the petitioners that there is no apprehension that the petitioners may threaten the witness, carries weight.

6. Therefore, considering the background of the petitioners wherein they are stated to be not involved in any other case and also considering the fact that the main accused, namely, Jatinder Singh @ Bau has already been granted regular bail by this Court vide Annexure P-2, this Court deems it fit and proper to grant regular bail to the petitioners.

7. Consequently, the present petition is allowed and the petitioners are 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.

24.08.2023

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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