

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48230-2021

Date of decision: 17.01.2023

Varinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amardeep Singh, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

Mr. Abhay S. Mann, Advocate for
Mr. S.S.Swaich, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 14.10.2021), the petitioner seeks regular bail in case bearing FIR No.99 dated 20.06.2020, registered at Police Station Chohla Sahib, District Tarn Taran, under Sections 302, 506, 148 and 149 IPC.

Learned counsel for the petitioner contends that the *daang* which was allegedly used in the offence by the petitioner, had not been recovered. Learned counsel further submits that though the petitioner was declared a proclaimed offender on 20.11.2020 and was arrested on 29.03.2021, yet the fact remains that the complainant has already been examined and co-accused, namely, Tarsem Singh, brother of the deceased, has since been granted the concession of regular bail by the

trial Court, vide order dated 13.07.2022, and that co-accused, namely, Baljinder Singh and Sukhjinder Singh have since been granted the concession of regular bail by this Court, vide orders dated 20.05.2022 and 11.07.2022 (Annexures P-6 and P-7, respectively). On the ground of parity, the petitioner is also entitled to bail.

On the other hand, learned State counsel and the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that as many as four injuries, including on the chest, had been suffered by deceased-Major Singh and that the petitioner has been attributed a specific injury on the person of the deceased. It is further submitted that the petitioner was declared a proclaimed offender and had evaded the process of law for about four months.

I have heard the learned counsel for the parties.

No doubt, the petitioner was declared a proclaimed offender on 20.11.2020 and was arrested on 29.03.2021, yet the fact remains that recovery of *daang* allegedly used by the petitioner in the commission of offence, was not effected. As stated above, co-accused, namely, Tarsem Singh, brother of the deceased, and Baljinder Singh and Sukhjinder Singh have since been granted the regular bail.

The petitioner has been in custody for the last more than one year and nine months. The complainant has already been examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

17.01.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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