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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45079-2023
Date of decision: 20.09.2023

HARSHDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Rajvinder Kaur Sohal, Advocate
for the petitioner.

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 the grant of regular bail to the petitioner in FIR No.58 dated 28.07.2022, under Section 302 of the IPC (Section 120-B of the IPC added later on), registered at Police Station Chamkaur Sahib, District Rupnagar, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 10.02.2023 and now 5 prosecution witnesses have already been examined including the complainant and they have not supported the prosecution version. She further submitted that the petitioner was nominated on the basis of disclosure statement of the co-accused, namely, Satwinder Singh, in which he stated that the deceased was killed by him with the aid of another

co-accused, namely, Arshdeep Singh and even in his disclosure statement, on the basis of which the petitioner was nominated, no role is attributed to the petitioner. She further submitted that the petitioner has no criminal background and is not involved in any other case and the other co-accused, namely, Baljit Singh @ Dhadhi, who is exactly at parity with the petitioner has been extended the benefit of regular bail by this Court in CRM-M-27609-2023 on 17.08.2023 vide Annexure P-6. She also submitted that on the last date of hearing, the petitioner was granted interim bail for a period of one week to enable him to appear in his 12th class examination but since the sureties could not be arranged in time, he could not avail the benefit of interim bail and he is still in custody and therefore he may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab submitted that it is correct that the petitioner is in custody from 10.02.2023 and it is also correct that the other co-accused, namely, Baljit Singh @ Dhadhi, who has already been extended the benefit of regular bail by this Court as aforesaid is at parity with the present petitioner. He further submitted that during the course of investigation, now even the complainant has been nominated as an accused since it was on his behest that the offence of murder was committed.

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

5. It is a case where the petitioner is stated to be in custody from 10.02.2023 and he is not involved in any other case and has no criminal antecedents. As per the learned counsel for the parties, the material witnesses stand examined and the other co-accused, namely, Baljit Singh @ Dhadhi, who is stated to be at parity with the present petitioner has already been extended the

benefit of regular bail by this Court as aforesaid vide Annexure P-6. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

20.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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