

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

214

CRM-M-48995 of 2022

Date of Decision:12.07.2023

Khanna Singh @ Daljeet Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Singla, 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.0079 dated 25.05.2020, under Sections 302, 452, 148 and 149 IPC, registered at Police Station Nehianwala, District Bathinda.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for about three years and one month. He submitted that even till date charges in the present case have not been framed and the petitioner has faced incarceration for more than three years. He submitted that as per the allegations, the petitioner alongwith some other co-accused had jumped over the wall and opened the gate from inside the house where the husband of the complainant was lying on his cot and he was hit by the petitioner and the other co-accused. As per the prosecution, the husband of the complainant died due to the injuries suffered

by him. He submitted that one of the co-accused, namely, Jyoti Singh has already been admitted to regular bail by this Court on 15.09.2022 vide CRM-M-22043 of 2022 (Annexure P-3) especially on the ground that the charges were not framed at that time and even till date charges have not been framed. He submitted that the petitioner has clean antecedents and is not involved in any other case and has been falsely implicated in the present case and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab submitted that so far as the period of custody of the petitioner is concerned, the same is correct and it is also not disputed that the petitioner is not involved in any other case. He has however opposed the grant of bail to the petitioner on the ground that the other co-accused who has already been granted bail by this Court, namely, Jyoti Singh has since jumped the bail and did not come present in the Court. He has also submitted that the charges could not be framed by the trial Court because some of the accused are still to be apprehended.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for about three years and one month and as per learned counsel for the parties, even the charges in the present case have not been framed. The reason as stated by learned State counsel for non framing of the charges cannot become a ground for denial of bail to the petitioner. The argument raised by learned State counsel that the other co-accused who has already been granted bail by this Court has thereafter now absented himself from the Court also cannot raise any presumption in advance that the petitioner would also jump the bail.

6. In view of the aforesaid position, wherein the petitioner has faced incarceration for more than three years and the charges have not been framed till date, the petitioner deserves the concession of regular bail. 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 to the satisfaction of the learned trial Court/Duty Magistrate concerned.
7. 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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 12, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No