

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47488-2023 (O&M)
Date of Decision:-30.10.2023

ARSHDEEP @ ARSHDEEP SINGH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Ms. Preeti Bansal, Advocate
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

-. -

KARAMJIT SINGH, J. (Oral)

1. This is the second petition filed by the petitioner for grant of regular bail in case having FIR No.398 dated 15.11.2020 registered under Sections 147, 149, 354, 365 and 506 IPC (Sections 147, 149, 354, 365 IPC were deleted and Sections 323, 325, 302, 506 read with Section 34 IPC added later on) at Police Station City Mandi Dabwali, District Sirsa.
2. The FIR in this case was registered on the basis of the complaint lodged by Jyoti daughter of Veera Singh wherein she alleged that on 15.11.2020 at about 12:30 p.m. she was going to house of her aunt and

in the meantime, 5-6 boys namely Harjinder Singh, Kulwinder Singh, Baljinder Singh, Sheepu Singh, Lovepreet Singh, Kushwinder Singh and one relative of Sheepu Singh came on three motorcycles and they started molesting her and forcibly took her near petrol pump at Chautala road. Thereafter her mother Sukhjeet Kaur, maternal uncle Sahaba Singh and her brother Manjinder Singh reached the spot to rescue her but they were attacked by the aforesaid accused persons and her mother and uncle suffered multiple injuries and they were taken to Government Hospital Dabwali and Sukhjeet Kaur died. During investigation the petitioner was arrested on 30th January, 2021.

3. The counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and nominated as accused on the basis of disclosure statement made by co-accused Kulwinder Singh and is languishing in jail for the last more than 2 year and 8 months and is having no criminal history and during investigation, no incriminating article was recovered from the possession of the petitioner. The counsel for the petitioner further submits that the trial is not proceedings ahead as till date only 4 prosecution witnesses are examined out of total 27 witnesses. It is further contended that no purpose is going to be served by detaining the petitioner in custody for any longer period.
4. The instant petition is resisted by the State counsel, who *inter alia* submits that the petitioner is facing serious charges and the trial is going on and already material witnesses are examined. However, the State counsel on instructions from SHO Shailender Kumar has not

disputed the fact that till date only 4 PWs are examined and he further apprised the Court that 4 other PWs are given up out of total 27 witnesses on behalf of the prosecution. The State counsel has also admitted that complainant and other material witnesses are examined during the trial and that the petitioner is incarcerated for the last more than 2 years and 8 months and is having no criminal history. The State counsel has also not refuted the fact that during investigation no weapon or incriminating article was recovered from possession of the petitioner.

5. I have considered the submissions made by counsel for the parties.
6. Admittedly the petitioner was not named in the FIR and his name surfaced in the disclosure statement made by co-accused Kulwinder Singh and the petitioner was arrested on 30th January, 2021 and during investigation no weapon or any other incriminating article was recovered from the possession of the petitioner. The petitioner is in custody for the last more than 2 years and 8 months and is having no criminal history. The trial is not proceedings ahead as till date only 4 witnesses out of total 27 witnesses are examined on behalf of the prosecution and it will take considerable time for the trial to conclude. As has been stated by State counsel on instructions from SHO Shailender Kumar, the material witnesses have been examined including the complainant, so there is no apprehension that if released on bail, the petitioner is going to influence the complainant and other star witnesses.

7. In the given circumstances, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

30.10.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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