

CRM-M-53880-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 12.10.2023

Pargat Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (Oral)

Following the denial of bail by the learned trial court, the petitioner is now before this Court seeking his release as an undertrial in a case with FIR No. 403 dated 09.12.2020, registered under Sections 302 read with Section 34 of the Indian Penal Code and Section 25 of the Arms Act (Section 212, 120-B IPC and Section 54 and 59 of the Arms Act, 1959, added later on) at the Sohana Police Station in SAS Nagar.

2. An FIR was lodged based on the statement of the complainant, Gurpreet Singh, also known as Golu. He alleged that on December 9, 2020, at about 11:45 am, his brother, namely Jaspreet Singh, who goes by Billa, had left home in his car. At around 05:15 pm, some police officials from the Crime Branch in Chandigarh came and inquired about his brother, Jaspreet Singh, also known as Billa. They informed the complainant that his brother had committed a crime at the Sri Gold Testing Lab in Sector 23-C, Chandigarh. However, at approximately 07:30 pm, the complainant received information that his brother, Jaspreet Singh, had been murdered in Sector 86, village Nanu Majra, with gunshot wounds. The complainant, along with his mother, reached the scene of the incident, where they found Jaspreet Singh's lifeless body in his car, lying in a pool of blood. The cause

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of death is reported to be two gunshot injuries to his head. Based on these allegations, an FIR was filed against an unknown person. During the investigation, it was revealed that the petitioner, along with co-accused, including the deceased Jaspreet Singh (Billa), had attempted to commit a robbery at the Sri Gold Testing Lab in Sector 23-C, Chandigarh, while armed with firearms. When their robbery attempt failed, they fled along with Jaspreet Singh. Later, the petitioner and co-accused Lovepreet Singh murdered Jaspreet Singh to conceal their identities. Subsequently, another FIR (No. 198 dated 09.12.2020) was registered at Police Station Central, Sector 17, Chandigarh, under Sections 397, 307, 511 IPC, and Sections 25 and 27 of the Arms Act (Section 120-B IPC was added later), and the petitioner was nominated as one of the accused. Based on a supplementary statement from the complainant, the petitioner was taken into custody in this case on June 17, 2021, and has been incarcerated since then.

3. At the outset, the learned counsel for the petitioner argues that the petitioner's co-accused, namely Preetinder Singh (Sheru), Balvinder Singh (Billu), and Baljit Singh (Balli), have been granted bail by the learned Additional Sessions Judge, SAS Nagar, in an order dated February 11, 2021.

3.1 On merits, the petitioner's counsel contends that a bare perusal of the FIR reveals that it was registered against an unknown person, and the petitioner has no connection to the alleged offense. The petitioner's counsel further asserts that the petitioner is innocent and has not committed any offense. He contends that the FIR's version is fabricated, and the petitioner is not linked to the alleged offense.

3.2 No recovery has been made from the petitioner, and no specific role has been attributed to them. The petitioner's counsel further argues that the petitioner is not required for further custodial interrogation and that there is no likelihood of the petitioner tampering with evidence or influencing prosecution

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witnesses. The petitioner is believed to be entirely innocent and falsely implicated in the case.

3.3 Furthermore, the petitioner's counsel points out that the charge sheet has already been submitted, and the conclusion of the trial is expected to take a considerable amount of time. Consequently, it is argued that there would be no purpose served in keeping the petitioner in custody.

4. The learned State counsel opposes the petitioner's bail application, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. He submits that petitioner has murdered the deceased and fled from the spot. If enlarged on bail, there is every likelihood that petitioner will commit similar offence and/or will flee from trial.

5. I have heard the rival arguments and reviewed the case file.

6. In response to a query from the Court, it transpires that the investigation against the petitioner has been completed, and charges were framed on December 22, 2021. At this stage, the allegations against the petitioner are subject to trial. Of the sixteen prosecution witnesses, only two have been examined so far. The trial's progress has been slow, and it is anticipated to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since June 17, 2021, for more than two years and four months.

7. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses.

8. Petitioner is stated to be 21-year old youngman and is on the cross-roads of his career. He has already lost his livelihood due to prolonged

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incarceration. Having fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Considering the overall scenario, without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, petitioner is found involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 12, 2023
Ajay

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