

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

211

CRM-M-53442-2022 (O&M)

Date of Decision: 18.05.2023

RAJDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. LS Sekhon, Advocate
for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.2 dated 04.01.2017, registered under Sections 304-A, 279, 427 IPC and Sections 302, 404, 120-B and 34 IPC (added later on), at Police Station Mehna, District Moga, the first one having been dismissed as withdrawn on 01.11.2021.

Learned counsel for the petitioner submits that initially the FIR was registered under Section 304-A IPC; that on the basis of the supplementary statement of Pargat Singh recorded on 05.01.2017, Section 302 IPC was added; that in his supplementary statement, Pargat Singh has stated that it has come to his knowledge that it was Amarjit Singh and Rajdeep Singh (the petitioner herein), who were riding the motorcycle, have caused injuries on the person of Baldev Singh, leading to his death; that as the similarly situated co-accused, namely, Amarjit

Singh, has already been granted the concession of bail vide order dated 05.04.2018, the petitioner may also be granted the same, on the ground of parity and that the petitioner has been in custody since 12.02.2020. He further submits that the Board of Doctors have given opinion dated 30.10.2017 stating therein that the cause of death was Asphyxia due to strangulation and injuries to vital organs i.e. brain and lungs. Still further, it is submitted that some of the prosecution witnesses are yet to be examined.

Learned counsel for the petitioner further submits that the petitioner was declared as a proclaimed offender on 20.07.2018 and was arrested on 12.02.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with co-accused gave injuries on the vital part of the deceased. He further submits that during the period, the petitioner was absconding, FIR No.209 dated 15.11.2019 under Sections 420, 34 and 201 IPC was registered against him and that the material witnesses are yet to be examined and thus, he does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.02.2020. Similarly situated co-accused has already been enlarged on bail by a Coordinate Bench of this Court on 05.04.2018. Section 302 IPC was

added on the basis of supplementary statement of Pargat Singh. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.05.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No