

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

**CRM-M No.51262 of 2019 (O&M)  
Date of Decision: 20.02.2023**

Jasvir Singh and another

..... Petitioners

*Versus*

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Manuj Nagrath, Advocate for the petitioners.

Mr. Sandeep Chopra, DAG, Punjab for the respondent.

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**MAHABIR SINGH SINDHU, J.**

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioners in FIR No.123 dated 26.07.2018, under Sections 302, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Hathur, District Ludhiana.

2. Allegations are that Avtar Singh (husband of complainant-Jaspal Kaur) came from Italy, where he was working. On 26.07.2018, Avtar Singh was coming back from Jagraon after taking medicines and on the way, Sukhwinder Kaur met him. He demanded money from Sukhwinder Kaur, which was taken by her about two years back; but she refused. At about 10:15

AM, someone knocked the main Gate of complainant's house. Avtar Singh opened the same and saw that Sukhwinder Kaur, her son-Amritpal Singh along with one Karamjit Singh were standing. They started arguing with Avtar Singh and threatened him. When Avtar Singh started his Scooter, then Amritpal Singh came in front of it and all of them started manhandling him. Sukhwinder Kaur caught hold Avtar Singh from neck and Karamjit Singh raised *lalkara* asking his son to teach a lesson for demanding money. Amritpal Singh with an intention to kill Avtar Singh inflicted *Kirpan* blows. Due to that, he fell down and died on the spot. On raising the alarm, accused fled away from the spot after threatening them.

3. This Court, on 15.09.2021, granted interim bail to both the petitioners in following manner:-

*“Contends that both the petitioners are in custody since 26.7.2018 and there is no progress in trial.*

*Learned State counsel seeks time to verify the above factual position.*

*Posted on 13.12.2021.*

*In the meanwhile, petitioners be released on interim bail in the present case till the next date of hearing on their furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”*

4. Learned Counsel for the petitioners contends that in compliance of aforesaid order, both the petitioners are regularly appearing before the Court below. Also contends that entire prosecution evidence is over and now the case is fixed for final arguments. Further contends that there is no other criminal case pending against the petitioners.

5. Learned State Counsel on instructions from ASI Sulakhan Singh has acknowledged the above factual position.
6. Heard both sides and perused the paper-book.
7. Keeping in view the facts that petitioners are fully cooperating before the Court below and there is no allegation that in case they are granted bail pending trial, they will misuse the concession in any manner; thus, in such a scenario, sending the petitioners in custody at this stage would not serve any purpose.
8. Consequently, the present petition is allowed. Interim bail granted to the petitioners, vide order dated 15.09.2021, is made absolute. They shall be admitted to bail on their furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Petitioners shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioners, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
12. Disposed off accordingly.

February 20<sup>th</sup>, 2023  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |