

216-B

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

CRM-M-59839-2022 (O&M)
Date of Decision: 09.02.2023

JASPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Baljinder Singh Sra, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. V.S. Rana, Advocate
for the complainant.

HARSH BUNGER, J. (ORAL)

CRM-4425-2023

This is an application for placing on record compromise dated 04.01.2023 (Annexure P-7) as well as 'Amended Memo of Parties' in the main petition.

For the reasons recorded in the application, the same is allowed. Compromise dated 04.01.2023 (Annexure P-7) as well as 'Amended Memo of Parties' are taken on record, subject to all just exceptions.

Registry to take steps accordingly.

CRM-M-59839-2022

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner namely, Jaspal Singh, in case FIR No.169 dated 18.09.2022, registered

under Sections 115 and 120-B of the Indian Penal Code, at Police Station Kotbhai, District Sri Muktsar Sahib.

The FIR in question was registered on the basis of a complaint filed by one Jaskaran Singh son of Major Singh, alleging therein that he does agriculture work and on dated i.e. 18.09.2022, he went to Village Bhalaiana for some domestic work and after finishing the task, when he was going back to his Village Buttar Sharih, then at around 1:00 p.m., for having some tea, he stopped his motorcycle at K-Deep Dhaba, where he saw two young men talking to each other, having their backs towards him. One young man (having hair cut) was saying to the other that he has paid about Rs.5,70,000/- to kill Bhinder Singh son of Gurnam Singh; Bhinder Singh's son Ravinder Singh and his nephew Harpreet Singh alias Happy Duhewala but he has not killed them yet and in return, the other said that their deal was settled for Rs.10 lacs and until the entire amount is not paid, they will not execute the work. It is further stated in the complaint that after hearing all this conversation, complainant got scared and panicked and when said persons were about to leave, he saw their faces and identified them as Jaspal Singh alias Pappa son of Major Singh and Rampreet Singh son of Harjinder Singh. As per the complainant, Jaspal Singh and Rampreet Singh had come to the marriage of Ravinder Singh son of Bhinder Singh and Jaspal Singh alias Pappa was saying angrily that Harpreet Singh alias Happy made her niece Anupreet Kaur elope with him at the behest of Bhinder Singh and his son Ravinder Singh, due to which, he was disgraced and he had to take revenge from them for his insult. Thereafter, the

complainant went to Bhinder Singh's house and told him the entire story, whereupon, both Bhinder Singh and complainant came to the police station and have got the above said case FIR registered.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated on the statement of Jaskaran Singh, who is alleged to have overheard conversation by chance between the present petitioner and one Rampreet Singh @ Honey regarding plot to kill Bhinder Singh; his son Ravinder Singh and their nephew Harpreet Singh @ Happy because Harpreet Singh @ Happy had eloped with niece of present petitioner at the instigation of Bhinder Singh and his son. Learned counsel further submitted that the petitioner has no concern with the family of the girl namely, Anupreet Kaur. He also submitted that the above said FIR is a result of some misunderstanding between the parties, which now stands resolved by way of compromise dated 04.01.2023 (Annexure P-7). It is also stated that the petitioner has been in judicial custody from the date of his arrest i.e. 18.09.2022 and the investigation in case is complete and the challan stands presented. Learned counsel further submitted that no overt act has been committed, yet his application for bail has been wrongly dismissed by the Court of Additional Sessions Judge, Sri Muktsar Sahib vide order dated 09.12.2022 (Annexure P-6). Learned counsel further submits that the petitioner herein is ready to abide by all the conditions as may be imposed by this Court or by the trial Court. Accordingly prayer for grant of regular bail is made.

Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground of seriousness of the offence. However, he does not dispute the fact that the petitioner has been in custody since the date of his arrest i.e. 18.09.2022; the investigation has been completed and the challan stands filed in the Court on 17.11.2022.

I have heard learned counsel for the parties and perused the paper book with their able assistance.

The instant case has been registered under Section 115 read with Section 120-B of the Indian Penal Code; however, no overt act has occurred. The petitioner has been in custody since the date of his arrest i.e. 18.09.2022; the investigation in the case is complete and the challan already stands submitted in the Court on 17.11.2022; the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station

House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage. The petition is accordingly disposed of.

February 09, 2023
Amandeep/gurpreet

(HARSH BUNGER)
JUDGE

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