

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-590-2023

Date of Decision: 1.5.2023

Dharminder Singh alias Parminder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. G.K.Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate and
Mr. Gursharan Singh, Advocate,
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0059 dated 16.5.2021 registered for the offences punishable under Sections 302, 148, 149, 120-B IPC at Police Station City Batala, District Gurdaspur.

2. As per allegations recorded in the FIR, Sahib Singh, Major Singh and 12 other unknown persons armed with different weapons attacked Narinder Singh father of the complainant and caused fatal injuries to him and thereafter, the assailants left the spot along with their weapons.

3. During investigation, the petitioner was arrested by the police.

4. Counsel for the petitioner submits that the petitioner was not named in the FIR and later on, named as accused on the basis of the

disclosure statement made by co-accused Sahib Singh and is incarcerated for the last more than 1 year and 11 months. He further submits that there are no specific allegations against the petitioner and no specific injury has been ascribed to him. He further submits that the alleged occurrence was not witnessed by the complainant and as per prosecution version, the occurrence was witnessed by Dhir Singh and Vijay Trehan, both of whom, have been examined during trial. He further submits that as per prosecution, only one wooden stick is stated to be recovered from the custody of the petitioner. He further contends that it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

5. Present petition is resisted by the State counsel who submits that the petitioner and other co-accused attacked Narinder Singh and killed him. However, the State counsel has not disputed the fact that the petitioner was not named in the FIR and no specific injury has been attributed to the petitioner and he was named on the basis of the disclosure statement made by co-accused Sahib Singh. He, however, has not disputed the fact that the petitioner is in custody for the last more than 1 year and 11 months and during investigation, only one wooden stick was recovered at the instance of the petitioner.

6. State counsel further apprised the Court that material witnesses PW-Dhir Singh and PW-Vijay Trehan stand examined during trial.

7. I have considered the submissions made by the counsel for the parties.

8. Admittedly, the petitioner was not named in the FIR and later on, arraigned as accused on the basis of the disclosure statement made by co-accused Sahib Singh. The petitioner was arrested and one wooden stick

is stated to be recovered at his instance by the police during investigaiton and as per counsel for the petitioner, no specific injury is attributed to the petitioner. The petitioner is in custody for the last more than 1 year and 11 months. Material witnesses namely Dhir Singh and Vijay Trehan are examined during trial. So, there is no apprehension that if released on bail, the petitioner is going to influence them. However, it will take considerable time for conclusion of trial. Thus, no fruitful purpose is going to be served by keeping the petitioner in custody for any further period.

9. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 1, 2023
Paritosh Kumar

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