

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-477-2024
Date of decision : 12.01.2024

NARINDERJIT SINGH ALIAS NARINDER SEKHONPetitioner

Versus

STATE OF PUNJABRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Paviterdeep S. Bhinder, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0022 dated 29.01.2020 registered for the offences punishable under Sections 302, 341, 323, 427, 506, 120-B of the Indian Penal Code, 1860 and Sections 25-54-59 of Arms Act, 1959 at Police Station Sadar Patiala, District Patiala.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the allegations levelled in the FIR 8 persons in Innova Car hit motorcycle being driven by son of the complainant. After his son tried to run away, 4 persons in Audi Car followed him and open fired upon him resulting in his death. After a period of about 9 months

supplementary statement was recorded by the complainant wherein he claimed to have come to know about the names of all the boys travelling in the Innova Car including one Ram Bhagat and it is further claimed that in the disclosure suffered by the Ram Bhagat name of the petitioner figured.

4. Counsel for the petitioner relies upon order dated 26th of May, 2021 passed in CRM-M No.19928 of 2021 to submit that Ram Bhagat @ Sanju already stand admitted to bail observing as under :

“This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.22 dated 29.01.2020 under Sections 302, 341, 323, 427, 506, 120-B IPC and Sections 25, 54, 59 of the Arms Act registered at P.S. Sadar Patiala, District Patiala.

Learned counsel for the petitioner would argue that FIR was registered on the statement given by one Gian Singh that eight persons in the Innova car hit upon the motor cycle being driven by his son, Gurdeep Singh alias Deepak, causing the motor cycle to fall down and when his son tried to run away, an Audi car with four persons in it followed and opened fire upon him, which resulted in his death. It is further argued that after a period of nine months, supplementary statement was got recorded by the complainant wherein it was stated that he has come to know the names of boys travelling in Innova car and the petitioner was one of them. It has further been stated that murder of his son was committed upon instigation and in conspiracy with Dhanpati wife of Ranjit Singh and Naseeb Chand son of Ranjit Singh. It is further submitted that other than being present in the car, no other role has been attributed to the petitioner in the FIR or the challan presented. No recovery has been effected from him. The challan stands presented, however, charges are not being framed on account of COVID-19 pandemic situation. The trial is likely to take some time to conclude and therefore, prays for concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State on instructions from ASI Surinder Singh would submit that the petitioner herein has been named as one of the persons present in the alleged Innova car, which had hit upon the motor cycle being driven by the deceased.

I have heard learned counsel for the parties. Keeping in view the fact that the challan stands presented and owing to COVID-19 pandemic, the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.5 lakhs to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.”

5. Apart therefrom Sukhwinder Singh who is similarly situated to the present petitioner also stands admitted to bail vide order dated 17th of August, 2021 passed in CRM-M-44301-2020. The petitioner is behind bars for more than 1 year and 13 days.

6. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

7. I have heard counsel for the parties and have gone through records of the case.

8. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 12, 2024
Dpr

(Pankaj Jain)
Judge