

2024:PHHC:040078

212(A) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-1034-2024
Date of Decision: 20.03.2024

NAVDIP SINGH ALIAS NAV

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Karambir Singh Kahlon, Advocate
 for the petitioner.

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.49 dated 19.08.2023 registered for the offences punishable under Sections 307, 336, 427, 148, 149 of IPC and Section 302 of IPC added later on and Section 25 of Arms Act vide DDR No.09 dated 31.08.2023 at Police Station Kotli Surat Malhi, District Gurdaspur.

2. As per allegations in the FIR, there was a group fight which resulted into death of Chanpreet Singh son of Ajit Singh who was from the side of the present petitioner.

3. Counsel for the petitioner submits that the petitioner was not named in the FIR and later on falsely implicated in the present case and arrested on 19.09.2023 and during investigation, no weapon was recovered from his possession and nothing specific is available on the record against the petitioner. Counsel for the petitioner further submits that similarly situated co-accused Maninder Singh belonging to group of the petitioner is already given benefit of regular bail by this Court vide

4. Notice of motion.

5. Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Rajwinder Singh submits that group fight took place between two parties wherein Chanpreet Singh belonging to the party of the petitioner sustained injuries and later on died. However, State counsel has not disputed the fact that petitioner was later on nominated as accused and was arrested but during investigation nothing was recovered from his possession and on completion of investigation challan has been presented but charges are still to be framed. The State counsel has not disputed the fact that there are no specific allegations available on the record against the petitioner.

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

7. Admittedly, the petitioner was not named in the FIR and his name surfaced during investigation and consequently he was arrested on 19.09.2023 but no incriminating article or weapon was recovered at his instance and presently the petitioner is lodged in judicial custody and the trial will commence only after framing of the issues and it will take time for trial to conclude. The petitioner is stated to be on bail in one another case of similar nature. Admittedly, similarly situated co-accused Maninder Singh is already enlarged on regular bail by this Court vide order dated 07.03.2024. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

8. 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

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to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

20.03.2024

(KARAMJIT SINGH)

Priyanka Thakur

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No