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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2283-2024
Date of decision: 29.04.2024

DARSHAN SINGH @ MANGA AND ANOTHER

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vishva Bahl, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.161 dated 16.08.2021, under Sections 302, 201, 34 of the IPC and Sections 25, 27, 29 of the Arms Act, registered at Police Station Kathunangal, Amritsar, Punjab.
2. Short reply has been filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Majitha, Amritsar Rural in the Court today and the same is taken on record.
3. Learned counsel for the respondents submitted that the petitioners are in custody for more than 2 years and 8 months and now 4 prosecution witnesses have been examined out of total cited 28 prosecution witnesses and the material witness, namely, Parwinder Singh, who was stated to be the eye-

witness has already been examined. He further submitted that both the petitioners have clean antecedents and they are not involved in any other case and it is a case where as per the allegation, the deceased was taken to the roof of the house and one of the co-accused, namely, Sheru had fired a shot at him from a rifle belonging to his uncle, namely, Gurmej Singh and the petitioners were also allegedly on the spot and the deceased was taken on the roof of the house on the pretext of making an instagram reel. He further submitted that there was a delay of 6 hours in lodging of the FIR and even otherwise also, in view of the long custody of the petitioners and the fact that the aforesaid material witness has already been examined, the petitioner may be considered for the grant of regular bail. He also submitted that the aforesaid co-accused, namely, Sheru, was a juvenile and he is already on bail.

4. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab on instructions from ASI Nirmal Singh submitted that it is correct that the petitioners are in custody for more than 2 years and 8 months and they have clean antecedents and not involved in any other case. He further submitted that as per the allegation, the aforesaid juvenile, namely, Sheru had used the firearm and had fired a shot on the deceased but the allegations against both the petitioners are serious in nature in view of the fact that the petitioners had taken the deceased on the roof of the house on the pretext of making an instagram reel. He also submitted that now 4 prosecution witnesses have been examined out of total cited 28 prosecution witnesses and the trial of the case is going at a normal pace and therefore, they do not deserve the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. Both the petitioners are in custody for more than 2 years and 8 months and the eye-witness, namely, Parwinder Singh has already been examined and now out of total cited 28 prosecution witnesses, 4 prosecution witnesses have been examined. As per the learned counsel for the parties, the petitioners are not involved in any other case and have clean antecedents. Furthermore, it is not the case of the learned State counsel that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

7. In view of the above and considering the custody and the alleged role of both the petitioners, this Court deems it fit and proper to grant the concession of regular bail to the petitioners.

8. Consequently, the present petition is allowed. Both the petitioners shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

29.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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