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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-6918-2024

Date of Decision: 05.11.2024

Ravinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Ms. Rajvinder Kaur Sohal, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.58 dated 28.07.2022 registered under Section 302 IPC (Section 120-B IPC added later on) at Police Station Chamkaur Sahib, District Rupnagar.

2. The above-mentioned FIR was got registered on the basis of complaint made by Ravinder Singh. The contents of the FIR are reproduced herein below :-

"Copy of Statement of Ravinder Singh son of Mangat Singh reedent of Vallage Salempur, Police Station Sadar Mon Neentee Rupnagar Aged about 23 years. Mobile No. 9814 50696. Stated that I am resident of the above mentioned address. I am doing private serk are 02 brothers My elder brother Davinder Singh has been living at the maternal grandppazents family of my mother at Patiala since the last year and



works at there. In my house at Salumpur, my mother Satwinder Kaur, my grandfather Dharam Singh, my grandfather along with my father have been residing. My father was not mentally fit from the last 01 year. My father was residing in the rooms constructed near the main gate of the house, whereas our family resides in the rooms constructed on the backside of the house. His treatment has been got conducted many times from the various hospitals as well. On account of remaining mentally harassed, my father was also kept on quarreling with the village people without any reason. Yesterday on 27.07.2022 at about 08:30/10 PM, my father was present at the house, after which we after going to our respective rooms had been slept. Then in the today morning, my father was not present at the house. I received information from the persons of the village that the dead body of my father is lying on the corner of the field near liquor vending shop of Village Gaggo to Salempura Link Road, on which I saw after visiting the spot, the dead body of my father was lying on the side of the road in the field. On the dead body of my father, the signs of elimination by way of strangulation were there on the neck. On seeing the dead body, I became fully sure that my father after having been strangled by some unknown person/persons has been thrown at here. You have come. The statement has been got recorded to you. Action may kindly be taken against the unknown person/persons. Sd/- Ravinder Singh. Attested Sd/- Rupinder Singh, INSP, Station House Officer, Police Station Chamkaur Sahib dated 28.07.2022."

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. It is a case of circumstantial evidence. He further submits that the petitioner has undergone actual custody of 02 years, 03 months and 02 days and there is no other case pending against him. He further submits that similarly situated co-accused have

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been granted the concession of regular bail by this Court vide order dated 20.09.2023 passed in CRM-M-45079-2023 and order dated 25.01.2024 passed in CRM-M-52145-2023 and all the private witnesses have been turned hostile.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 02 years, 03 months and 02 days. He further on instructions submits that the charges were framed on 12.04.2023 and out of 26 prosecution witnesses, 08 prosecution witnesses have been examined. Two prosecution witness have given up and two private witnesses have been turned hostile, however, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the petitioner has undergone actual custody of 02 years, 03 months and 02 days and there is no other case pending against him. The investigation of the case is complete and out of total of 26 prosecution witness, only 08 prosecution witnesses have been examined. The conclusion of trial will take a considerable period and further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in **"Dataram Singh vs. State of Uttar Pradesh and another", (2018) 3 SCC 22.**

7. Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly



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another", 1992(2) RCR (Criminal) 634 observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

8. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges have been framed and only eight prosecution witness have been examined till date, therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, the prosecution shall

Be at liberty to move an application for cancellation of bail before this Court.



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11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

05.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No