



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7764-2024
Date of decision: November 11th, 2024

Harpal Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.230 dated 26.11.2022 under Sections 379B(2), 397, 307 and 120-B of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Beas, District Amritsar Rural.

2. Learned counsel for the petitioner submits that the occurrence in question allegedly took place on 26.11.2022, however, the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Malkit Singh after five months of the alleged occurrence. It has been argued by the learned counsel that even as per the disclosure statement, the only role attributed to the petitioner is of standing outside the house (place of occurrence) for keeping a watch on the residents of the locality. Learned counsel has further submitted that since the petitioner has no previous criminal antecedents, it clearly points to his false implication in the present case; furthermore, the disclosure statement on the basis of

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which he has been arraigned as an accused does not hold much evidentiary value. Learned counsel has still further argued that after the petitioner was arrested on 06.03.2023, only one prosecution witness (complainant) had been examined out of the 29 cited, hence, there was no possibility of the trial concluding in the near future, coupled with the fact that since the complainant, who is one of the material witnesses, stands examined, petitioner's further incarceration would also serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence or intimidating the witnesses.

3. Short reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) has been filed in Court, which is taken on record. Copy supplied to the counsel opposite.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the petitioner was nominated as an accused on the basis of a disclosure statement and no injury has been attributed to the petitioner. It has also been conceded, on instructions, that the petitioner was not alleged to be present inside the house along with the co-accused.

5. On a further query, learned State counsel, on instructions, has also not disputed that the petitioner has no previous criminal antecedents.



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6. I have heard learned counsel for the parties and perused the material placed on record.
7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 11th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No