

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18165-2021

DATE OF DECISION : 26.04.2024

BALJIT SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.142 dated 12.08.2020 under Sections 302, 354, 452, 427, 148, 149 & 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Nehianwala, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail after noticing the facts and circumstances of the allegations attributed to the petitioner as per order dated 24.04.2023. He has furnished bail bonds and not violated any condition laid down in the said order. It has been further contended that the case is based upon direct evidence. Initially, the complainant has lodged an FIR against Harpreet Singh and his co-accused. However, the name of the petitioner was not mentioned in the FIR. The name of the petitioner was added subsequently on the basis of the supplementary statement dated 17.08.2020 which was

recorded after a period of 5 days from the date of alleged occurrence.

3. Learned State counsel has filed the status report by way of affidavit of Harshpreet Singh, Deputy Superintendent of Police, Sub Division Bhucho, District Bathinda which is taken on record. While referreing to the status report, learned State counsel has confirmed that the name of the petitioner was added subsequently in the supplementary statement of the complainant dated 17.08.2020 which was recorded on 16.08.2020. As per the said statement, the petitioner was also present at the time of alleged occurrence and was armed with handle of garden hoe. As such, DDR No. 24 dated 16.08.2020 was recorded. This fact is not disputed by the learned State counsel that no overt act has been attributed to the petitioner even in the said supplementary statement. It has been futher pointed out while referring to the status report that out of total 23, only one witness has been examined till date and the remaining witnesses are yet to be examined.

4. In view of the reasons recorded in the order dated 24.04.2023 passed by the Co-ordinate Bench and in view of the fact that there is hardly any progress in the trial and only one witness has been examined and also keeping in view the fact that petitioner is in custody w.e.f. 24.08.2020 i.e. for more than 2 years and 6 months, the present petition is allowed. The order of interim bail dated 24.04.2023 is made absolute. The bail bonds already furnished by the petitioner shall be treated as the bail bonds in pursuance to the present order and the petitioner as well as the surety shall remain bound by the terms and conditions of the bail bonds already funished in compliance with the order passed by this Court today.

5. Pending miscellaneous application (s), if any, shall also stand disposed of.

26.04.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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