

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

CRM-M-21416-2023
Decided on:-07.02.2024

Jashanpreet Singh @ JashanPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Armaan Gagneja, Advocate,
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Ishan Gupta, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.123, dated 14.11.2020 registered under Sections 302, 341, 483, 379, 411, 34, 120-B, 148, 149 IPC, Sections 25, 27, 54, 49 of the Arms Act and Section 207 of Motor Vehicle Act, at Police Station Sandaur, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner has been implicated for having raised lalkara regarding an incident involving murder of one Parminder Singh @ Happy.
3. The prayer made on behalf of the petitioner has been opposed at the instance of learned State counsel assisted by learned counsel representing the complainant while referring to the antecedents of the

petitioner and his involvement in one another FIR No.382, dated 12.11.2020, under Sections 307, 382, 511, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959, at Police Station Mukatsar City. He further submits that the entire incident started at the instigation of the petitioner and thus, he is active and instrumental in the occurrence.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the petitioner is behind the bars for the last more than 03 years, 2 months & 11 days. The investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and only 01 witness out of total 25 witnesses has been examined so far.

6. Undoubtedly, in another FIR No.382, dated 12.11.2020, under Sections 307, 382, 511, 34 IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959, at Police Station Mukatsar City, registered against the petitioner, he already stands acquitted, besides it, considering the role attributed to the petitioner of having raised lalkara and he not been named in the FIR but involved on the basis of the statement made by Ishwar Singh and Balbir Singh, which were recorded after 05 days of the registration of FIR, I do not find any justification to extend the incarceration of the petitioner.

7. 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 Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

07.02.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/ No