

223-1

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24998 of 2023
CRM-M-14496 of 2023
Date of decision:- 13.02.2024

1. CRM-M-24998 of 2023
- HARJIT SINGH... Petitioner
- Versus
- STATE OF PUNJAB... Respondent
2. CRM-M-14496 of 2023
- SATNAM SINGH... Petitioner
- Versus
- STATE OF PUNJAB... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Maan Akashdeep Singh, Advocate
for the petitioners.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. Both the petitions arising out of the same FIR for grant of regular bail has been taken up together for disposal.
2. The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
201	31.07.2020	304, 328, IPC, 61 of Punjab Excise Act, 1914 (302 and 120-B IPC added lateron and Section 304 IPC deleted)	City Batala, District Batala

3. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He contends that petitioners were not named in the FIR but later on nominated on the disclosure statement dated 23.09.2020 (Annexure P-2) made by co-accused George son of main accused Triveni Chauhan. He contends that main accused Triveni Chauhan was arrested by the police and she made disclosure statement nominating Gurbinder Singh alias Gobinda as a person who had given illicit liquor to her and with the consumption thereof some people died. He submits that petitioners were arrested on 02.08.2020 and since then they are in custody and no recovery has been effected from them. He submits that prosecution has cited 68 witness and out of which 43 witnesses have been examined so far and no specific overt act have been attributed to the petitioner in the occurrence, as such he prays for grant of concession of bail to the petitioners.

4. Learned State counsel contends that considering the nature and gravity of the case, petitioners are not entitled for concession of bail. However he has not controverted the factual matrix of the case and admits that petitioners were not named in the FIR but later on nominated on disclosure statement made by co-accused George.

5. After considering the rival contentions and going through the record, it transpires that petitioners were roped in the case on the disclosure statement made by co-accused George on 23.09.2020 (Annexure P-2) and no specific role have been attributed to the petitioners. The petitioners are in custody since 02.08.2020, challan has already been presented in Court, and

prosecution has cited 68 witnesses and out of which 43 witnesses have been examined so far, meaning thereby, the petitioners are not required for further investigation. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioners may take sufficient long time and no useful purpose would be served by keeping the petitioners behind bars any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioners behind bars. Therefore, the present petitions are allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.02.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No