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

CRM-M-37745-2024 (O&M)
Date of decision : 26.09.2024

Karam Singh @ Nimma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Navneet Kaur Waraich, Advocate,
for the petitioner.

Mr. Ajaib Singh, Addl.A.G., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner in FIR No.24 dated 17.05.2020, under Sections 302, 341, 449, 506 and 148 read with Section 149 (Sections 212, 216 & 201 added subsequently) of the Indian Penal Code, 1860; and Sections 25 and 27 (Sections 29 & 30 added subsequently) of the Arms Act, 1959, registered at Police Station Gate Arif Ke, District Ferozepur, Punjab.

2. Allegations are that petitioner along with other co-accused committed murder of Kulwinder Singh, the brother of complainant-Satwinder Singh.

3. Contends that petitioner is not named in the FIR; rather nominated on the basis of statements of co-villagers, Jagtar Singh and

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29.05.2020. While referring to the examination-in-chief of complainant/eye-witness Satinder Singh, PW-1, further contended that despite knowing the petitioner since childhood, he did not name him in the FIR which goes to show that petitioner was not present on the spot at the time of alleged occurrence. Also contends that no role or involvement has been attributed to petitioner as the gunshot was allegedly fired by co-accused Jagga Singh, due to which the victim died. Again contended that petitioner is in custody since 29.05.2020 and conclusion of trial shall take sufficient long time; thus, further incarceration of the petitioner would not serve any purpose.

4. *Per contra*, learned State counsel, while opposing the prayer, submits that petitioner and other co-accused hatched a criminal conspiracy and killed Kulwinder Singh by inflicting a fire-arm injury on his chest. Also submits that during investigation, petitioner was arrested and .12 bore rifle used in the crime by co-accused Jagga Singh was recovered from him; therefore, his involvement in the crime is apparent and as such, he does not deserve the concession of bail.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that an application filed by the petitioner for grant of bail pending trial was dismissed by learned Additional Sessions Judge, Ferozepur (for short, 'the ASJ') way back on 21.10.2021 (P-4); whereas present petition has been filed on 02.08.2024, i.e. after a period of about 03 years.

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7. In view of the above, this Court is of the opinion that learned trial Court would be in a better position to know the actual position and status of proceedings, as on today.

8. Consequently, present petition is disposed off with liberty to the petitioner to avail his remedy for seeking bail before learned trial Court.

9. Needless to say that above observations be not construed as an expression of opinion on merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

26.09.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No