

218/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:14.03.2024

(i) CRM-M-39765-2023

Harjit Singh		...Petitioner
	vs.	
State of Punjab		...Respondent

(ii) CRM-M-45795-2023

Navreet Kaur		...Petitioner
	vs.	
State of Punjab		...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr.Tanvir S. Grewal, Advocate
for the petitioner in CRM-M-39765-2023.

Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner in CRM-M-45795-2023.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Ashok Bhardwaj, Advocate
for the complainant.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-39765-2023, titled as Harjit Singh Vs. State of Punjab and CRM-M-45795-2023 titled as Navreet Kaur Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 94 dated 03.11.2022 registered under Sections 302, 34, 120-B of IPC (FIR originally registered under Sections 341, 323, 148 and 149 of IPC, however, Sections 341, 323, 148 and 149 of IPC deleted and Sections 302, 34 and 120-B of IPC added later on), at Police Station City, Ahmedgarh, District Malerkotla, Punjab.

2. Learned counsel appearing on behalf of the petitioner-Harjit Singh in CRM-M-39765-2023 submits that the petitioner has not been named in the FIR nor there is any averment in the FIR, which even remotely connects the petitioner with the commission of crime. As per the complainant, Jaskaran Singh, since deceased was allegedly surrounded by 6-7 persons, who were armed with weapons and had inflicted injuries on him. It was further alleged that the complainant had witnessed the occurrence and had seen the assailants. However, during the course of investigation, the CCTV footage was recovered by the police and on the basis of the same, Prabhjot Singh @ Prince and the petitioner were nominated as accused and now the prosecution has set up a case that the injuries were caused by Prabhjot Singh @ Prince, main accused to Jaskaran Singh, since deceased. Learned counsel further contends that the supplementary statement of the complainant (Annexure P-3) was recorded subsequently and it has been alleged that the petitioner had taken Prabhjot Singh @ Prince, the main accused to the spot on his scooty. Learned counsel further contends that even as per the case of the prosecution, no specific role has been attributed to the present petitioner. He further contends that the petitioner was arrested in the present case on 16.11.2022 and the challan has already been presented against him.

3. On the other hand, learned counsel appearing on behalf of the petitioner-Navreet Kaur in CRM-M-45795-2023 submits that the petitioner was also not named in the present case initially. However, her name appeared in the 3rd and 4th supplementary statement of the complainant, wherein, the petitioner was also shown as a conspirator with the main accused. Even, it is the admitted case of the prosecution that the petitioner was not present at the place of alleged

occurrence. Learned counsel further contends that it has been falsely alleged that the petitioner had love affair with Jaskaran Singh, since deceased and the petitioner was not willing to marry the deceased. Due to this, the petitioner and her mother conspired to get Jaskaran Singh killed with the help of the co-accused. He further contends the the petitioner was arrested in the present case on 20.11.2022 and is in custody since then.

4. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners in the present cases. Learned counsel submit that both the petitioners had actively participated in the crime. In fact, Navreet Kaur had called Jaskaran Singh, since deceased at her house and the injuries were caused by Prabhjot Singh @ Prince, at the instigation of Navreet Kaur. Learned counsel further contend that even Harjit Singh, accused had taken the main accused to the place of occurrence and both the accused had facilitated the commission of crime. However, learned State counsel has not denied the fact that the petitioners are the first offenders and were never involved in any criminal activity. Still further, learned State counsel further submits that the LoC has already been issued against Prabhjot Singh @ Prince, the main accused and every possible effort has been made by the police to arrest the main accused.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, both the petitioners are in custody for the last more than 01 year and 03 months and were never involved in any other criminal activity. Apart from that, the challan has already been presented against the petitioners on 06.02.2023 and no witness has been examined so far. Thus, the

conclusion of the trial may take quite a long time and further detention of both the petitioners will not serve any meaningful purpose.

7. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

14.03.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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