



CRM-M-40140-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40140-2024

Decided on : 29.08.2024

PREMPAL SINGH ALIAS PREM AND ANR

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. PKS Phoolka, Advocate
for the petitioners.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.115 dated 20.07.2023 under Sections 302, 325, 323, 148, 149 IPC registered at Police Station Sadar Bathinda, District Bathinda (Punjab).

2. Learned counsel for the petitioner submits that the petitioners have not been named in the FIR and no specific role has been attributed to them. He also submits that the petitioners have been nominated on the basis of disclosure statement of co-accused. He further submits that the petitioners have already undergone an actual custody of over 01 year and 01 month and there is no other case pending against them and co-accused(s) have been granted concession of regular bail by this Court vide order dated 31.07.2024 and 27.08.2024 in CRM-M-34922-2024 and CRM-M-22928-2024 respectively.



3. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners. He has filed custody certificates in Court today and the same are taken on record. As per the custody certificates, the petitioners have undergone actual custody of over 01 year and 01 month and there is no other case pending against the petitioners. Moreover, on instructions he submits that charges are framed on 01.02.2024. The next date fixed before trial Court is 03.09.2024. He also submits that out of total 29 prosecution witnesses, only one has been examined till date. He however, submits that in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioners shall be established during the course of the trial. Admittedly, charges have been framed on 01.02.2024 and out of 29 prosecution witnesses only 01 prosecution witnesses have been examined. Co-accused(s) have also been granted concession of regular bail by this Court vide order dated 31.07.2024 and 27.08.2024 in CRM-M-34922-2024 and CRM-M-22928-2024 respectively. The petitioners have undergone actual custody of over 01 year and 01 month and they are not involved in any other criminal case.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioners shall also abide by the following conditions:-

(i) The petitioners will not tamper with the evidence during the trial.



(ii) The petitioners will not pressurize/intimidate the prosecution witness(s).

(iii) The petitioners will appear before the trial Court on the date fixed, unless personal presence is exempted.

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused of, or for commission of which they are suspected.

(v) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

29.08.2024
Kavita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No