

Sr. No.223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44421-2023
Date of decision: 25th January, 2024

SHINDER SINGH @ JASWINDER SINGHPetitioner

versus

STATE OF PUNJABRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S. Mahal, Advocate for
Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.147 dated 30.08.2022, under Sections 354, 308, 34 of IPC (Section 308 IPC deleted and Section 302 IPC added later on) registered at Police Station Sadar Patti, District Tarn Taran (Annexure P-1).
2. The present case was registered at the instance of Wazir Singh, who is son of the deceased, with the allegations that on 28.08.2022, at about 7:30 PM, he along with his father, had gone outside for some household work and his wife Sandeep Kaur along with the minor child were present at the house. Petitioner-Shinder Singh @ Jaswinder Singh along with his co-accused entered his house and tried to catch hold of his wife's arm. In the meantime, the father of the complainant reached back home and on seeing the petitioner, Gurmeet Kaur/co-accused of the petitioner, raised a lalkara. Gurdial Singh hit the father of the complainant with a baseball bat and when the complainant came forward to rescue his father, he was also inflicted injuries. On

hearing the noise, Sohan Singh was attracted to the spot and after arranging the

vehicle, the injured persons were taken to Civil Hospital, Garyala and on 01.09.2023, the father of the complainant died.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 07.03.2023. All the material witnesses have already been examined. The complainant-Wazir Singh (PW-3), eyewitness Sohan Singh (PW-2) and wife of the complainant namely Sandeep kaur (PW-4), have not supported the prosecution case. Co-accused of the petitioner namely Gurmeet Kaur has already been granted bail as per order dated 24.11.2022 (Annexure P-3) by the Court of learned Additional Sessions Judge, Tarn Taran. Conclusion of trial will take time, as such, prayer was made to release release the petitioner on regular bail.

4. Learned State counsel has opposed the bail application on the ground of gravity of allegations levelled against the petitioner. Custody certificate of the petitioner/accused, reflecting his period of custody as 10 months 23 days, has also been filed.

5. Without commenting on the merits of the case and keeping in view the fact that investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; the material witnesses have been examined; the trial will take some time to conclude and there is no apprehension of absconding the petitioner during the trial, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM concerned.

(HARPREET KAUR JEEWAN)
JUDGE

25th January, 2024
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