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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 06.11.2024

(I) CRM-M-42207-2024

JASWINDER LAL

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(II) CRM-M-43544-2024

JANAK RAJ

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

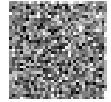
Present:- Mr. K. S. Maangat, Advocate
for the petitioner in CRM-M-42207-2024.

Mr. Abhishek Khullar, Advocate
for the petitioner in CRM-M-43544-2024.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

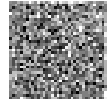
1. Both the petitions are taken up together for final disposal with the consent of learned counsels for the parties since both the petitions arise out of the same FIR and the prayer in both the cases is for the grant of regular bail to the petitioners.



2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No.7 dated 15.02.2021, under Sections 302, 307, 323, 324, 120-B, 148 and 149 of the IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur, Punjab.

3. Learned counsels for the petitioners submitted that both the petitioners are in custody for about 3½ years and the material witnesses, who are the eye-witnesses i.e. the father and the brother of the deceased have now been examined and considering the aforesaid custody of the petitioners, they may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab submitted that both the petitioners had earlier also filed separate regular bail petitions before this Court, which was dismissed by way of a common order on merits on 01.07.2024 and after about two months, they have filed the present bail petitions, which are not even maintainable because this will amount to review of the earlier order which has been passed on 01.07.2024. He further submitted that even if the two material witnesses, who are the eye-witnesses, namely, Hardev Singh and Harmandeep Singh have been examined but the earlier bail petitions filed by the petitioners were dismissed on the ground that there was a reasonable apprehension to the State that in case the petitioners are released on bail then they may influence the witnesses or may even abscond or flee from justice. He further submitted that the aforesaid two eye-witnesses who have been examined have supported the prosecution version and it is a case where the aforesaid two eye-witnesses were present at the spot and had seen the

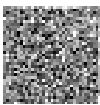


action of the petitioners. He further submitted that as per the custody certificates, both the petitioners are involved in two more cases, out of which they are acquitted in one case and one case is pending trial. He further submitted that there is a strong apprehension that in case the petitioners are released on bail then they may not only abscond or flee from justice but they may also influence the remaining witnesses.

4. I have heard the learned counsels for the parties.

5. The petitioners had earlier also filed separate regular bail petitions, which were dismissed by this Court by way of a common order on merits on 01.07.2024 and after about two months they have filed the present bail petitions. The only ground taken by the learned counsels for the petitioners is that the aforesaid two eye-witnesses have now been examined. However, on the other hand, it has been argued by the learned State counsel that although the aforesaid two material witnesses have been examined, who are the eye-witnesses but they have supported the prosecution version and the aforesaid witnesses are the father and brother of the deceased. A strong apprehension which has been expressed by the learned State counsel that in case the petitioners are released on bail then they may not only abscond or flee from justice but they may also influence the remaining witnesses does carry weight and cannot be ignored.

6. After hearing learned counsels for the parties, this Court is of the view that considering the seriousness and the gravity of the offence, the fact that the petitioners have filed the present bail petitions just after about two months of the dismissal of the earlier bail petitions on 01.07.2024, which otherwise is



not maintainable as this would amount to review of the earlier order, the petitioners are not entitled for grant of regular bail.

7. Consequently, both the petitions are dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petitions only.

06.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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