

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-45256-2023 (O&M)
Date of Decision:- 20.02.2024

GIAN SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 06.11.2023 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) along with custody certificate dated 19.02.2024 are taken on record. Copies thereof have been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
19	27.03.2021	302 and 34 IPC	Bhindi Saidan, District Amritsar

4. It is, *inter alia*, contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in the case. He has referred to the FIR to submit that even as per the allegation levelled by the complainant in the FIR, the petitioner was simply standing nearby and on alarm being raised, he left the spot. He submits that no specific overt act has been attributed to the petitioner in the FIR apart from his presence at the spot. The petitioner is in custody since 16.05.2022 and the challan has already been presented in Court and no witness has been examined by the prosecution till date. He further submits that petitioner is 78 years old and has no criminal antecedents. He thus prays for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel has opposed the bail petition and submits that the petitioner is not entitled to the concession of bail considering the nature and gravity of the offence. He has, however, admitted that out of 17 witnesses cited by the prosecution, none has been examined till date and the petitioner is not facing any other criminal case.

6. After considering the arguments advanced by both the parties and perusing the record, it transpires that, the only role attributed to the petitioner in the FIR is that he was standing at the place of occurrence at that time and on alarm being raised, he left the spot. No specific overt act has been attributed to the petitioner, who is 78 years old having no criminal antecedents. Petitioner is in custody since 16.05.2022 and as stated above, out of 17 witnesses cited by the prosecution, none has been examined till date and it will take sufficient long time for the prosecution to conclude the evidence. Therefore, considering the age and antecedents of the petitioner

coupled with the fact that no specific overt act has been attributed to him, it is observed that no purpose would be served by detaining the petitioner in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

20.02.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No