

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

240/1

Date of Decision:- 06.03.2024

1. CRM-M-59132-2023 (O&M)

PARAMJEET SINGH ALIAS KARAMJEET SINGH ALIAS SHAMMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

2. CRM-M-52431-2023 (O&M)

HARJINDER KUMAR @ RAHUL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Inderjeet Singh Brar, Advocate
for the petitioner in CRM-M-59132-2023.

Mr. Raghav Goyal, Advocate
for the petitioner in CRM-M-52431-2023

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of this common order, the above-mentioned two criminal miscellaneous petitions shall be decided as they arise out of the same FIR.

2. The present petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular

bail to the petitioners in the following case:-

FIR No.	Dated	Sections	Police Station
31	22.02.2023	307, 326, 323, 324, 148 and 149 IPC; 25 and 25 of the Arms Act, 1959	Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib

3. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case and have no role to play. They submit that no specific overt act is attributed to them and as per the case of the prosecution only *danda* blow is attributed to petitioner-Harjinder Kumar, but no recovery has been effected from him. They contend that the petitioners have no criminal antecedents and are in custody since 23.02.2023. Challan has been presented in Court, however, the prosecution has not examined even a single witness out of 12 cited witnesses and the petitioners are unnecessarily languishing in jail. Hence, they pray for grant of regular bail to the petitioners.

4. *Per contra*, learned State counsel submits that the petitioners being involved in heinous crime do not deserve the concession of bail. However, he has not disputed the factual matrix and the fact that no specific overt act is attributed to the petitioner-Paramjeet Singh, while only *danda* blow is attributed to petitioner-Harjinder Kumar, but no recovery has been effected from him.

5. Heard.

6. After considering the respective submissions and perusing the record, it transpires that so far as the roles of the petitioners are concerned, the same is not disputed. As stated above, challan has already been presented

in Court and out of 12 witnesses cited by the prosecution, none has been examined till date and there is no other case pending against them. The conclusion of trial to ascertain the criminal liability, if any, of the petitioners, will take sufficient long time and no purpose would be served by detaining them in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their 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

06.03.2024
S.Sharma(syr)

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