

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55273-2024
Date of decision: 12.11.2024

PARAMJIT SINGH @ BANIA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

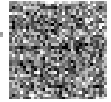
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. T. S. Grewal, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.95 dated 26.07.2019, under Sections 302 and 120-B of the IPC (Section 120-B of the IPC deleted later on), registered at Police Station Longowal, District Sangrur, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 5 years, 3 months and 13 days and it is a case where the allegation against the petitioner was that when the complainant, who is the brother of the deceased came to the field, he saw the petitioner beating the deceased resulting in death of his brother. He further submitted that the petitioner has been falsely implicated in the present case and now 13 prosecution witnesses have been examined but the trial is being prolonged because an application under Section



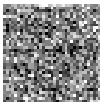
311 Cr.P.C. for re-examination of the complainant is pending. He also submitted that now the custody of the petitioner has come out to be 5 years, 3 months and 13 days and he has clean antecedents and is not involved in any other case and has been falsely implicated in the present case and therefore, considering the aforesaid long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab submitted that it is correct that the petitioner is in custody for 5 years, 3 months and 13 days and it is also correct that the petitioner has clean antecedents and he is not involved in any other case. He further submitted that 13 prosecution witnesses have been examined and 8 prosecution witnesses are left to be examined. He further submitted that since the petitioner is involved in a serious offence, whereby the complainant saw him killing his brother, he does not deserve the concession of regular bail because of the seriousness of the offence.

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

5. It is a case where the petitioner has already faced incarceration for 5 years, 3 months and 13 days. The petitioner is stated to be not involved in any other case and has clean antecedents. Although the allegations against the petitioner are serious but this Court is of the considered view that the mere fact that the allegations are serious would not mean that the petitioner can be deprived of bail considering his long custody as aforesaid.

6. Therefore, considering the aforesaid long custody of the petitioner of 5 years, 3 months and 13 days, this Court is of the considered view that the petitioner deserves the concession of regular bail.



7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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 petition only.

12.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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