



CRM-M-59701-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59701-2023
Date of Decision: 06.08.2024

Jatinder Pal Singh Shergill Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Abhinav Gupta, Advocate,
for the petitioner.

Mr. A.S. Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-18526-2024

For the reasons mentioned in the application, the same is allowed and the statement of PW1, namely, Garish Parshad, who is an eye witness as Annexure P-12 is taken on record, subject to all just exceptions.

CRM-M-59701-2023

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.7 dated 11.01.2022, under Sections 302, 148, 149, 427, 482, 411, 201 & 120-B IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Tripri, District Patiala.
2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for 2 years and 6 months and it is a case where



the charges were framed on 16.07.2022, which is more than 2 years ago and till date only 2 witnesses, out of 34 cited prosecution witnesses, have been examined. He further submitted that the aforesaid two prosecution witnesses, who have been examined, are the complainant and his father and are stated to be eye witness and both the witnesses have not supported the prosecution version and have been declared hostile. He further submitted that the allegations against the petitioner and the co-accused were pertaining to the conspiracy for murder of the deceased but the complainant himself has not supported the prosecution version and more than two years have elapsed after framing of the charges and the trial of the case is not progressing. He also submitted that one of the other co-accused, namely, Jaspreet Singh @ Maggu, whose role is exactly same as that of the present petitioner and who is at parity with the present petitioner, has since been granted the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-26581-2024 on 31.07.2024. Therefore, considering the parity, his custody period and stage of the trial, the petitioner may also be considered for grant of regular bail.

3. On the other hand, Mr. A.S. Pannu, learned AAG, Punjab, on instructions from ASI Balwinder Singh, submitted that it is correct that the petitioner is in custody for 2 years and 6 months and it is also correct that more than two years have elapsed after the framing of charges, only two prosecution witnesses have been examined and they have not supported the prosecution version and have been declared hostile. He also submitted that the petitioner was involved in two more cases prior to the registration of the present FIR and thereafter, while he was in custody in present case, he was involved in other cases as well.



4. I have heard the learned counsels for the parties.
5. As per the learned counsel for the parties, the petitioner is in custody for 2 years and 6 months and more than two years have elapsed after the framing of the charges, only two prosecution witnesses, who are the complainant and his father, have been examined and they have not supported the prosecution version and have been declared hostile. Be that as it may, the petitioner has already faced incarceration for more than 2½ years and the trial of the case is commencing at a very slow pace. The aforesaid co-accused, namely, Jaspreet Singh @ Maggu, who is at parity with the present petitioner, has since been extended the benefit of regular bail by a Co-ordinate Bench of this Court on 31.07.2024. Therefore, considering the aforesaid totality of the circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.
6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.08.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |