



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.208

CRM-M-13705-2024

Date of decision : 17.01.2025

Kala Singh @ Kali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

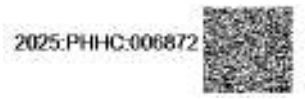
Present : Mr.Prateek Pandit, Advocate, for the petitioner.

Mr.Amit Kumar Goyal, Addl.A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.141 dated 23.07.2021 registered under Sections 302, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Dharamkot, District Moga.
2. The petitioner, alongwith other co-accused, is being prosecuted for the murder of Guravtar Singh.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no specific role is attributed to the petitioner; as per the case of the prosecution co-accused Jaswant Singh fired and killed the deceased- Guravtar Singh; through order dated 05.07.2023 passed by this Court in CRM-M-34687-2022-*Jaswant Singh vs. State of Punjab* the aforesaid Jaswant Singh has been granted regular bail and the primary reason for the same was that the alleged eye witness had turned hostile as also because the murder weapon had not been recovered by the prosecution; the case of the petitioner stands on a much better footing than that of Jaswant Singh; it is true that the petitioner was declared a proclaimed offender but prior thereto he was not served in terms of Section 82 Cr.P.C.; in any case, the



petitioner has undergone actual custody of 01 year 02 months and 16 days and that since 13 prosecution witnesses still remain to be examined in the petitioner’s trial the same will take a long time to conclude.

4. Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner alongwith other co-accused murdered Guravtar Singh and that a case under the Narcotic Drugs and Psychotropic Substances Act, 1985 is also pending against him.

5. After considering the above rival submissions, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Moga, the petitioner is directed to be released on bail.

6. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.01.2025
shamsher

[DEEPAK SIBAL]
JUDGE

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