

CRM-M-55207-2024

2025:PHHC:062522



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55207-2024(O&M)

Date of decision : 12.05.2025

Parminder Singh @ Parvinder SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arvinder Singh, Advocate for
Mr. H.S. Sidhu, Advocate for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

Dr. Buta Singh Bairagi, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of bail pending trial to the petitioner in FIR No.71 dated 19.09.2023 (P-1), under Sections 302, 212 and 120-B of Indian Penal Code, 1860 (for short 'IPC') and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Mehna, District Moga.

2. Allegations are that petitioner along with his co-accused, namely, Gurdeep Singh and Sukhchain Singh, provided shelter to the shooters, namely, Krishan Kumar and Gurwinder Singh @ Kaka who committed murder of Baljinder Singh @ Balli.

3. Contends that only allegation against petitioner is that he harboured the main accused and there is no evidence to connect petitioner with the alleged crime. Also contends that petitioner is in custody in this case since 26.09.2023; report under Section 173 of Code



of Criminal Procedure, 1973 (for short 'Cr.P.C') was filed on 17.12.2023; charges were framed against petitioner as well as his co-accused on 31.07.2024; out of 25 prosecution witnesses, none has been examined so far and trial is likely to take sufficient long time.

4. *Per contra*, learned State counsel assisted by learned counsel for *de facto* complainant opposed the prayer by submitting that petitioner not only harboured the main accused but also helped in concealment of weapon of offence.

5. Heard learned counsel for the parties and perused the paper-book.

6. There is no quarrel that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused, namely, Krishan Kumar and Gurwinder Singh @ Kaka; after investigation, report under Section 173 Cr.P.C. has already been presented on 17.12.2023; charges were framed against petitioner as well as his co-accused on 31.07.2024; out of 25 prosecution witnesses, none has been examined so far and as such, trial is likely to take sufficient long time.

7. Moreover, *prima facie*, at best, petitioner can be held liable for harbouring the co-accused (Section 212 IPC) and the maximum punishment prescribed for the offence would be seven years; but the same is bailable.

8. In view of the above, there is no justification to prolong the incarceration of the petitioner any further.



9. Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

11. The above observations be not construed as an expression of opinion on the merits of case.

12. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

12.05.2025

d.gulati

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking / reasoned :

Yes No

Whether Reportable :

Yes No