

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

CRM No.M-11347 OF 2015 (O&M)
DATE OF DECISION : 14th JULY, 2015

Satwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Naresh Prabhakar, Advocate for the petitioner.

Mr. G. S. Ghuman, Additional Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

1. This petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.18 dated 24.01.2013 registered at Police Station Khanna, District Ludhiana for offences punishable under Sections 302, 365, 404, 201 read with Section 34 IPC.

2. Heard.

3. As per the case of the prosecution, deceased Arjan Singh was a taxi driver, whose taxi was hired by Chamkaur Singh for going to Ajitwal, who on the way took Gurnam Singh with him. Thereafter, Satwinder Singh (present petitioner) with Tarsem Singh followed the taxi on their motorcycle. On reaching Dera Ajitwal all the four committed murder of the taxi driver namely Arjan Singh.

4. Learned counsel for the petitioner submits that the petitioner in this case was arrested on 04.06.2013 and after presentation of challan, charges were framed on 14.11.2013. Even after expiry of a period of one

year eight months, the prosecution has not been able to conclude its evidence.

5. Learned counsel for the petitioner relying on the observation of this Court in the case of ***Meena vs. State of Haryana***, reported as ***2007(4) RCR (Cri.) 711***, submits that in case where there is evidence of extra judicial confession only, the petitioner is entitled to be released on bail pending trial. In this case the petitioner has already undergone more than two years of imprisonment so far. The only evidence against the petitioner is the extra-judicial confession made by Chamkaur Singh who is also an accused in this case.

6. Replying to the submissions made by learned counsel for the petitioner, learned State counsel submits that the prosecution has so far examined 8 PWs and given up 3 PWs. On the last date i.e. 19.05.2015, 21 witnesses were present to get their statements recorded, including the material witness Surjit Singh. The Court, after recording statement of 4 witnesses, bound down the remaining 17 witnesses for 28.07.2015. From petitioner Satwinder Singh mobile of deceased was recovered. The bike, on which they were following the taxi, was also a stolen property and recovered from petitioner. Shingara Singh witness of extra judicial confession of the petitioner was won over and had to be given up by the prosecution. The prosecution is making all possible efforts to examine all the witnesses and this is reflected from the fact that on last date, 21 PWs were present before the Court for their statement.

7. In view the submissions made by learned State counsel, it is evident that the trial of the case is at a fast pace, as of now and the

prosecution is likely to close its evidence shortly. Since the case of the prosecution is based on circumstantial evidence, as such, the release of petitioner in this case will certainly affect the case of the prosecution as one of the witnesses, namely, Shingara Singh is alleged to have already been won over.

8. In view of the above facts and circumstances, this petition has no merit.

9. Dismissed.

14th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE