

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-1279 of 2015
Date of Decision: - 27.01.2015

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Jagjot Singh, Advocate,
for the petitioner.

Ms. Priyanka Sadar, Assistant Advocate General, Punjab
for the State.

MEHINDER SINGH SULLAR, J.(oral)

Petitioner has preferred the instant petition for the grant of regular bail, in a case registered against him along with his other main co-accused, vide FIR No.26 dated 02.02.2014, on accusation of having committed the offences punishable under Sections 302, 307, 148, 149, 120-B, 427 and 109 IPC and Sections 25 & 27 of The Arms Act, by the police of Police Station City Khanna, District Ludhiana.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. What cannot possibly be disputed here is that neither any specific role or particular injury is attributed to the petitioner in the FIR, except that he was just present at the place of occurrence with his other main co-accused. All the main allegations of causing injuries to complainant Amrinder Singh @ Soni son of Kuldeep Singh (for brevity 'the complainant') and Kulwinder Singh (deceased) are assigned to main other co-accused (non-petitioners). Indisputedly, the present case was registered against the accused in the wake of statement of complainant. But he while appearing as PW1 (Annexure P-1) did not support the prosecution version at all. Sequelly, Manjinder Singh son of Baljit Singh, another eye witness of the occurrence, while appearing as PW2 (Annexure P-2) has also resiled from his earlier statement. They did not identify the accused in the Court. What is the evidentiary value, admissibility and acceptability of statement of such hostile witness, *inter alia*, would be the moot point to be decided during the course of trial, after acceptance of the evidence, by the trial Court.

5. Be that as it may, the petitioner was arrested on 19.02.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of

trial, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the main case, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.

January 27, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE