

CRM-M-929-2016

Date of Decision : 02.06.2016

Pimdu @ Maninder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Harchand Singh Bath, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner has filed the present petition for bail on 08.01.2016 after his application for bail was declined by the trial Court on 19.11.2015. Learned counsel for the petitioner has *inter alia* argued that all the material witnesses of the prosecution have turned hostile by appearing in the Court on 27.04.2016.

I have considered the facts and circumstances of the case and I am of the opinion that the petitioner is entitled to file a second application for regular bail before the trial Court on the basis of the statements recorded by the trial Court after the dismissal of the first application for bail.

Since the entire challan is not before this Court, it will not be appropriate for this Court to appreciate the fact that testimony of any other witness will not be able to improve the situation created after the examination of witnesses recorded till date.

Without expression of any opinion on merits of the case,

this petition is disposed of with a direction that in case petitioner moves an application before the trial Court on the basis of the subsequent event i.e. recording of the evidence of the material witnesses who turned hostile, the trial Court would be entitled to consider the other circumstances and grant bail to the petitioner, irrespective of the first application having been dismissed.

(M.M.S. BEDI)
JUDGE

02.06.2016

Neha