

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

**CRM No.M-30081 of 2017
Decided on: 08.09.2017**

Sukhwinder Singh @ Jaswinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Randeep S. Khaira, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.5 dated 05.01.2016, for offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Jagraon, District Ludhiana Rural.

Counsel for the petitioner has submitted that the petitioner in judicial custody since 10.01.2016 and has already undergone 01 year and 07 months of actual sentence. It is further submitted that almost all the prosecution witnesses who have been examined during the course of trial have not supported the prosecution version and were declared hostile. Counsel for the petitioner has drawn attention of the Court towards the statement of PWs – Sukhwinder Singh, Bahadur Singh and the complainant – Harpal Singh to contend that they have not supported the case of the prosecution.

On the other hand, counsel for the State, on instructions

from HC Sulakhan Singh, has not disputed the factual assertions but opposed the prayer for bail. He has further submitted that statement of one of the prosecution witness namely Jaspreet Singh is yet to be recorded.

Without meaning to express any opinion on merits of the case and considering the fact that the petitioner is in judicial custody since 10.01.2016; the case is still fixed for recording the evidence of prosecution witnesses, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

08.09.2017
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No