

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

**CRM-M-41673-2017
Date of Decision: 21.12.2017**

Fateh Singh @ Fateh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ish Puneet Singh, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

Custody certificate of the petitioner is placed on record.

2. It is submitted by Ld. State Counsel upon instructions from ASI, Jasbir Singh that evidence of the complainant, namely, SP Vikramjit Singh has since been concluded.

3. The said complainant/witness undoubtedly holds a very senior position as Jail Superintendent, Hoshiarpur. The FIR lodged by him did not name any culprit. He failed to identify the present petitioner as his assailant during his deposition as PW-2 in the Trial Court, which fact has already been noted in the earlier order passed on 21.11.2017.

4. Ld. State Counsel nevertheless has opposed the prayer for bail by drawing attention of the Court to the effect that the present petitioner has been convicted in no less than 3 other criminal cases, which have been

mentioned in Column No.3 of the custody certificate.

5. Perusal of the same goes to show that the relevant FIRs were drawn up in very quick succession in two different Police Stations of Jalandhar on 06.07.2015, 08.07.2015 and 10.07.2015. FIR in the present case was drawn up shortly before the aforesaid dates on 28.06.2015 in another Police Station of the same District.

6. In these circumstances, direct involvement of the petitioner in the present case would appear to become clouded particularly considering that he has not been identified by the actual complainant/victim.

7. His further indefinite detention is not justified.

8. In the circumstances, the present petition is allowed and the petitioner, namely Fateh Singh @ Fateh son of Gurdawar Singh, is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate.

21.12.2017
sahil soni

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No