

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

(201)

CRM-M-9634-2017

Decided on: May 02, 2017.

Amritpal Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Ms. Anu Pal, AAG, Punjab.

Mr. Mohinder Kumar, Advocate, for the complainant.

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

This is second application for grant of regular bail in a case which was registered at the instance of Simratpal Kaur alleging that her husband Tarandeep Singh was called by one of his friends Amit Kumar, outside the house on 29.06.2015 and thereafter, complainant was informed by one Jaspal Singh that dead body of her husband was lying in the street with a bullet injury on the head.

Petitioner along with other accused has been involved in the case on the basis of circumstantial evidence of extra judicial confession of the petitioner having been made before PW Manmohan Singh; statement of PW Kulwant Singh who had allegedly seen the petitioner and other accused on the spot particularly the petitioner sitting in second car; and the petitioner having been seen on the spot by PW Randip Singh. There are allegations of conspiracy against the petitioner on account of certain transactions between the deceased and the other accused.

Bail application has been opposed by learned State counsel as well as learned counsel for the complainant informing that all the prosecution witnesses have been examined but learned counsel for the petitioner has submitted that on account of an application under Section 311 Cr.P.C for summoning a bank official as witness, the case is now fixed for 10.05.2017.

Learned counsel for the petitioner has further submitted that there being weak evidence against the petitioner and the witnesses having not been able to substantiate the circumstances against the petitioner, he is entitled to the concession of pre-arrest bail at this stage of the trial.

Learned counsel for the petitioner has tried to argue that PW Randip Singh who had allegedly seen the petitioner on the spot, has not specifically identified the petitioner and has identified other wrong person. PW Kulwant Singh has also not identified the petitioner and has identified other accused.

So far as extra judicial confession made before PW Manmohan Singh, is concerned, learned counsel for the petitioner submits that the said witness is a stock witness of the police and he has admitted this fact during cross-examination.

After hearing learned counsel for the petitioner, I am of the opinion that the petitioner seeks grant of bail on appreciation of evidence.

Since all the cited prosecution witnesses have been examined and one additional witness is yet to be examined on 10.05.2017, it will not be appropriate for this Court, to express any opinion on merits, on appreciation of evidence, at this penultimate stage of the trial, lest it should

prejudice the right of the prosecution agency or the petitioner during the course of trial.

In view of said circumstances, avoiding any prima facie adjudication or appreciation of evidence, bail application of the petitioner, is declined.

It is expected that the trial Court shall make earnest endeavour to ensure that the trial, after 10.05.2017, is concluded within a period of two months by giving fair opportunity to the petitioner or his co-accused to produce defence evidence as the petitioner has been in custody since 15.07.2015.

(M.M.S. BEDI)
JUDGE

May 02, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No