

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13594-2018 (O&M)
Date of decision : 28.11.2018

Vijay Sagar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Reply by way of affidavit of DSP Sub Division Hoshiarpur, District Hoshiarpur on behalf of respondent No. 1 is filed in Court today.
The same is taken on record.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 124 dated 20.11.2016, under Sections 302, 201 and 34 of the Indian Penal Code, registered at Police Station Haryana, District Hoshiarpur (Annexure P-1).

The allegations against the petitioner are that his car was used in the crime in which deceased- Jasvir Singh, brother of the co-accused was killed and his body was set on fire.

It is alleged that the petitioner along with co-accused Mandeep Singh drove the car. In this case, as many as 08 witnesses have been examined. As per the reply, 07 witnesses have not supported the case of the prosecution. Lakhbir Singh-complainant has supported the case. In examination in chief, he talks about identifying the accused before the police, though the accused were not named in the FIR. However, in the cross-examination, complainant has stated that he cannot say whether the accused are the same person sitting in the vehicle in question or not?

I am of the view that in view of the fact that most of the witnesses have turned hostile and the conclusion of the trial will take some time, further detention of the petitioner, who was arrested on 24.11.2016, will be unjustified.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

28.11.2018
preeti

PREETI
2018.11.28 16:21
I attest to the accuracy and
integrity of this document

Whether speaking / reasoned
Whether Reportable:

Yes
No