

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

CRM-M No.16386 of 2018

Date of decision : 25.10.2018

Sukhwinder Singh alias Rana

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vinod Kumar, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Sukhwinder Singh alias Rana has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.130 dated 24.07.2016 under Sections 302/120-B/34 of the Indian Penal Code, 1860 registered at Police Station – Mukerian, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. Name of the petitioner has been mentioned only regarding the earlier incident, which has already been settled between the parties. There is no eye witness of the incident and the witnesses cited by the prosecution *i.e.* PW-2 Kultar Singh, PW-3 Balwinder Singh, PW-5 Harpal Singh and Bunty have not supported the case of the prosecution during trial. Statements of said

witnesses are also annexed with the petition. Learned counsel also submits that the petitioner has undergone custody of more than two years and out of total 27 prosecution witnesses, 13 witnesses have been examined.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as stage of the trial and also the statements of witnesses which have been recorded so far.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR as well as the statements of the PWs, which are on record.

By considering the period of custody of more than two years undergone by the petitioner and keeping in view the fact that out of total 27 prosecution witnesses, 13 witnesses have been examined; that trial may take some time to conclude; that the material prosecution witnesses i.e. PW-2, PW-3 and PW-5 have not supported the case of the prosecution, the present petition is allowed and petitioner namely Sukhwinder Singh alias Rana is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

25.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No