

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

**Criminal Misc. No. M-51359 of 2018
Date of decision: 04.12.2018**

Satvir Singh @ Pappu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Satvir Singh @ Pappu under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.130 dated 24.07.2016 registered under Section 302 read with Section 120-B IPC at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been implicated in the case only on the basis of disclosure statement made by co-accused. There was no motive for causing any injury to the deceased. Learned counsel further submits that the petitioner is in custody since 16.09.2016 and statements of PW2-Kultar Singh, PW3-Balwinder Singh, PW5-Harpal Singh and PW6-Bunty have been recorded but they have not supported the case of the prosecution. PW2-Kultar Singh has stated in his statement that he does not know the facts of the case and did not give any statement to the Police. Similarly,

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PW3-Balwinder Singh has denied of making any statement to the Police regarding the occurrence. PW5-Harpal Singh has also stated that neither he has any knowledge about the facts of the case nor made any statement before the Police. PW6-Bunty has also denied of having knowledge about the facts of the case. Learned counsel also submits that co-accused of the petitioner, namely, Amandeep Singh alias Bagga approached this Court by way of filing Criminal Misc. No. M-20223 of 2018 and he has been released on regular bail vide order dated 25.10.2018.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner regarding custody period as well as release of co-accused on regular bail by this Court and also the fact that material witnesses have not supported the case of the prosecution.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file including the order passed in the case of co-accused.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 16.09.2016; out of total 27 prosecution witnesses, thirteen witnesses have been examined; material witnesses have not supported the case of the prosecution; co-accused of the petitioner, namely, Amandeep Singh alias Bagga has been released on regular bail by this Court; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Satvir Singh @ Pappu) is directed to be released

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on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

04.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes