

CRM-M-9998-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9998-2018

Date of Decision: 24th May, 2018

Upkar Singh @ Upi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.110, dated 23.09.2016, registered at Police Station Dehlon, Ludhiana City, under Section 302 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner is facing trial before the Court below, in which, complainant-Bhupinder Singh son of Gurtej Singh and eye-witness Dhuran Patel @ Dhuran Raut son of Dwarika Patel have turned hostile and not supported the case of the prosecution. Counsel contends that the petitioner is in custody since the date of his arrest i.e 26.09.2016 and out of total 21 prosecution witnesses, only 9 witnesses have been examined till date and therefore, the trial is not likely to conclude in near future. He, thus, prays for grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Saudagar Ali, P.S. Dehlon, could not dispute the factual assertions of the counsel for the petitioner, however, he opposes the prayer of the petitioner for grant of regular bail.

Having considered the submissions of the counsel for the parties and keeping in view the facts that the complainant and one eye-witness have turned hostile and only 9 witnesses have been examined till date out of the total 21 prosecution witnesses and therefore, the trial is not likely to conclude in near future, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

24th May, 2018

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No