

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26342-2019

Date of decision: 10.07.2019

Aman Masih @ Bhaiya

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.64 dated 02.07.2018 under Sections 304, 201, 34 IPC and Sections 27/61 of NDPS Act, registered at Police Station Ramdass, District Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Jaspal Singh, on 30.06.2018, his nephew Kulwinder Singh along with his mother had gone to Gurudwara Sahib Chaiven Pathshahi Guru Ki Wadali, Amritsar, on his motorcycle and left his mother to attend the Nagar Kirtan. At about 4.00 pm, he received a phone call from some unknown person that dead body of his nephew Kulwinder Singh is lying in the kachha path on the side of drain and the motorcycle is parked nearby him. It is further submitted that the petitioner was nominated in the FIR on the apprehension that he might have committed the offence and thereafter, he was arrested on 04.07.2018. Learned counsel further submits that challan stands presented and thereafter, charges have been framed.

Learned counsel for the petitioner has referred to the statement of

complainant Jaspal Singh, who has stated that he has seen the petitioner-accused in the Court for the first time and he is not responsible for the death of his nephew Kulwinder Singh. This witness was declared hostile by the Public Prosecutor and was cross-examined, however, in the cross-examination, nothing substantive came to connect the petitioner with the commission of offence. Learned counsel has further referred to the statement of another witness PW3 Lakhwinder Singh, who has also stated on the same lines as stated by complainant-Jaspal Singh and he was also declared hostile, as he has not supported the prosecution version. It is thus argued that the material witnesses have already been examined and there is no possibility of tempering with the prosecution evidence, if the petitioner is granted the concession of regular bail.

Learned State counsel, on instructions from SI Tanwinder Singh, has not disputed the factual position that the petitioner is in custody since 04.07.2018 and both the main prosecution witnesses have already been declared hostile.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.07.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No