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

CRM-M-30211 of 2019

Date of decision: July 23, 2019

Gagandeep Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Riffi Birla, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.115 dated 17.08.2018, under Sections 302/34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Fazilka.

As per prosecution case, petitioner has been implicated in this case on the basis of disclosure statement of Devi Singh.

Contentends that FIR was registered against four persons, namely Jangir Singh, Babba Singh, Sarbha Singh and Tanny, but during investigation, all were found innocent. Further contends that petitioner is in custody since 18.10.2018 and he was implicated on the basis of extra-judicial confession allegedly made before Devi Singh and he has already been examined as PW4, but did not support the prosecution case.

The above factual position is duly acknowledged by learned State counsel, on instructions from police official present in Court to

assist him.

Heard both sides and perused the paper-book.

Since the main prosecution witness, namely Devi Singh before whom the alleged extra-judicial confession was made by the petitioner has been examined as PW4, but did not support the prosecution case, therefore, there is no justification in keeping him behind bars anymore. Thus, this Court deems it appropriate to release the petitioner on bail pending trial.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

July 23, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No