

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

210

**CRM-M No.55899 of 2018.
Date of Decision: 20.03.2019.**

Shiv Kumar alias Sunny

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code has been filed for grant of regular bail to petitioner Shiv Kumar alias Sunny in case F.I.R. No.15 dated 08.02.2017 under Sections 302, 326, 324, 452, 148, 149 of the Indian Penal Code, registered at Police Station Model Town, Hoshiarpur.

Learned counsel representing the petitioner contended that the petitioner is in custody since 12.02.2017 and he has been falsely implicated in the case. Complainant-Harwinder Rana was examined before learned trial as PW1 and had not supported the prosecution case and was declared hostile witness and nothing substantial could come in his statement. Same thing happened when prosecution examined Narinder Kumar as PW2. The other eyewitnesses, namely, Ranjit Singh, Neeraj, Kamaljit Singh and Rakesh

Kumar were given up by the prosecution on the basis of statement made by Public Prosecutor before learned trial Judge as they were not supporting the prosecution case. Learned counsel for the petitioner further contended that there is nothing on the file to support the prosecution case whereas the petitioner is continuing behind the bar. Trial of the case still to take some more time, no useful purpose would be served by detaining the petitioner behind the bar, so he be released on bail.

Learned State counsel has not disputed these facts on the basis of reply having been filed by the respondent-State.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to any of the party and taking into consideration the fact that the petitioner is in custody since 12.02.2017, complainant-Harwinder Rana as PW1 and Narinder Kumar as PW2 had not supported the prosecution case and were declared hostile witnesses as nothing substantial could come in their statements, the other eyewitnesses, namely, Ranjit Singh, Neeraj, Kamaljit Singh and Rakesh Kumar were given up by the prosecution as they were not supporting the prosecution case; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. Petitioner-Shiv Kumar alias Sunny is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

20.03.2019

jitender

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