

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10087-2020

Date of Decision: 16.03.2020

Makhan Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manjit Singh Uppal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.174 dated 13.09.2018, under Sections 302/201/34 IPC, registered at Police Station Sardulgarh, District Mansa. He is in custody since his arrest on 17.09.2018.

The FIR in the present case was registered on the statement of complainant Gurdeep Singh, wherein it was stated that he has two sons, namely Harmeet Singh (elder son) and Prince, whose age was 20-21 years. On 12.09.2018, at 9:00 p.m., Prince left the house by saying that he along with his friends Sanju and Harpal Singh would stay in Dera Sacha Sauda at Haroli for the security of Dera. On 13.09.2018, at about 3:00 a.m., Sanju and Harpal Singh came to the house of complainant and told him that they all went to Sardulgarh where Prince told them that he wanted to meet Parwinder Kaur d/o Makhan Singh. They dropped Prince near the house of Parwinder Kaur and after sometime, they received his telephonic call that the present petitioner and uncle of the girl had caught hold of him and were

beating him. Due to fear, Sanju and Harpal Singh decided to return to their village and when they reached near Beant Nagar, Ratia road, Sardulgarh, then one Dzire car crossed them and two persons threw the dead body of Prince and fled away. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the FIR is founded on hearsay information and victim Prince had died possibly in a vehicular accident. He submits that two material witnesses, namely, Sanju and Harpal Singh have not supported the prosecution case and turned hostile. He further submits that a similar situated co-accused Bhajan Singh has been granted regular by this Court vide order dated 18.02.2020 (Annexure P-4). He submits that the petitioner is confined in judicial custody and his further custody is not necessary, particularly when the complainant, namely, Gurdeep Singh has already been examined as PW-1. He prays that the petitioner be released on the regular bail.

On the other hand, learned State counsel assisted by SI Kesar Singh, has opposed the prayer, however, he does not dispute the fact that the case of the petitioner is at par with the co-accused, who has been granted regular bail by this Court. It is also not disputed that two material witnesses have not supported the prosecution case.

Considering the above background, custody of the petitioner and the fact that the material witnesses have already been examined, therefore, this Court does not find any reason to decline the prayer made by the petitioner, as still the trial of the case is likely to consume considerable time to conclude. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on

regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Mansa.

The petition is allowed.

16.03.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No