

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

**CRM M 9998 OF 2020(O&M)
Date of Decision: 18.5.2020**

Kashmir Singh and another

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Amit Chaudhary, Advocate for the petitioners

Mr.Sandeep Vermani, Addl.A.G, Punjab

RAJIV NARAIN RAINA, J. (ORAL):

1. Case is taken up for hearing through video conferencing due to pandemic of COVID-19.
2. This is the first application filed under Section 439 of the Cr.P.C. for grant of bail to the petitioners pending trial in case FIR registered under Sections 302 and 34 of the IPC.
3. Learned counsel for the petitioners contends that initially the petitioners were not named in the FIR. Their names figured for the first time in the supplementary statement of the complainant. PW1- Devinder Singh who is brother of the deceased Gurpreet Kaur, turned hostile. He stated on oath that the petitioners were his maternal uncles and they had not murdered their sister- Gurpreet Kaur.
- 4, On the other hand, learned counsel for the State submits that due to gravity and seriousness of the offence, petitioners should not be granted concession of regular bail. However, it is not disputed by the learned counsel that the prosecution witness has turned hostile.

5. Having heard learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that no useful purpose would be served by keeping the petitioners in judicial custody. The petitioners are in judicial custody since May, 2019. Custody certificate received through WhatsApp is taken on record.

6. In view of the above, this petition is allowed. The petitioners are directed to be released on bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate.

18.5.2020
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable-	Yes/No