

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

CRM-M No. 13535 of 2020

Date of Decision : 12.06.2020

Baldev Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Preetwinder S. Dhaliwal, Advocate
for the Petitioners.

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.165, dated 08.05.2019, registered under Section 302, 307, 148, 149, 201 of the Indian Penal Code, 1860 at Police Station City-2 Barnala, District Barnala.

2. Heard.

3. Attention of the Court has been drawn by Ld. Counsel to the Statements of the Complainant and other witnesses including the Victim-Surinder Kumar to emphasise that none of them have supported the prosecution case before the Ld. Trial Court.

4. At this stage, this Court is not entirely convinced with the contention so raised because it is a matter of record that all these witnesses were declared hostile from the prosecution side, and consequently, their having deposed under some kind of pressure or inducement subsequently in

what is otherwise a case of murder, cannot be entirely discounted before the Trial concludes.

5. In such circumstances, this Court is inclined to go by the version of the occurrence, as narrated in the original FIR, from which it transpires that the fatal injury was directly imputed to Petitioner No.1-Baldev Singh but involvement of Petitioner No.2-Azad, who was otherwise present when the occurrence took place has not transpired, so far, as the question of having actually and physically attacking any of the Victims is concerned.

5. The present Petition is, therefore, disposed off by rejecting the bail prayer on behalf of Petitioner No.1-Baldev Singh. However, Petitioner No.2-Azad who has by now remained in detention for more than 01 year since 30th May, 2019, is ordered to be released on bail at this stage to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

June 12, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No