

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-23012 of 2020

Date of Decision: October 06, 2020

Surinder Singh @ Chhinda

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. L.S. Sekhon, Advocate
for the petitioner

Mr. Ajay Pal Singh Gill, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 28 dated 13.02.2019 registered under Section 302 IPC (Section 376 IPC added later on) and Section 3 of SC & ST Act, 1989 at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has been in custody for over 1 year and 7 months. The trial is not likely to be concluded at an early date as only 6 PWs out of a total of 21 PWs have been examined. There is no other criminal case pending against the petitioner. The alleged eye witness Vicky Singh (son of the deceased) is not reliable witness as he has tried to implicate two others apart from the petitioner but the police has refused to challan them. Even application under Section 319 Cr.P.C. has been dismissed. The only other witness is one Janta Singh (uncle of Vicky Singh) and he has turned hostile as is evident from statement Annexure A-3. Thus, the petitioner deserves to be granted regular bail.

Custody certificate dated 05.10.2020 has been presented in the Court.

The same is taken on record. According to this custody certificate, the petitioner

has undergone actual custody of 1 year, 7 months and 20 days and there is no other case pending against him.

Learned State counsel concedes that the trial is not likely to be concluded at an early date. He however, submits that a heinous crime has been committed by the petitioner and, thus, he does not deserve the concession of regular bail.

From the statement of complainant Vicky Singh and his uncle Janta Singh which have been placed on record as Annexures A/2 and A/3 it is evident that the complainant has tried to change his statement made before the police at the time of registration of the FIR. However, he has not succeeded as the other persons alleged to have been involved in the crime have been exonerated by the police and even the trial Court has rejected the application under Section 319 Cr.P.C. Thus, his truthfulness has been rendered doubtful. Janta Singh has turned hostile and there is no other witnesses at the scene of the crime. The trial is not likely to be concluded at an early date and the petitioner has undergone actual custody of 1 year, 7 months and 20 days. In view of the aforementioned circumstances, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that anything stated hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 06, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No