

CRM-M-25737-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-25737-2020

Date of Decision: September 7th, 2020

Gurminder Singh @ Manga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Pardeep Bajaj, Advocate
for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.14, dated 13.02.2016, registered at Police Station Jodhan, Police District Ludhiana Rural, District Ludhiana, under Sections 302, 307 and 120-B of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner has not been attributed any role in the commission of the crime. It is asserted that the actual accused, as per the FIR, have been found ultimately innocent by the prosecution, whereas the petitioner has been roped in and falsely implicated in the present case. Assertion has been made that even Jaswant Singh, husband of deceased – Sunita, on whose statement and in front of whom the statement of deceased was recorded, has

turned hostile and not supported the prosecution story. In this regard, he has placed reliance upon the statement of Jaswant Singh (PW-1), recorded on 22.05.2017. Reference has also been made to the statement of the daughter of the deceased, namely Dipika, who has chosen to appear in support of defence as DW-2 (Annexure P-7). She also has not attributed any role to the petitioner. Apart from that, it is asserted that the petitioner is in custody since 02.03.2016 and has completed more than four years and six months in custody. Although the trial is at the fag-end and evidence of the defence is under progress but because of the prevailing circumstances, where the Courts are not proceeding with the recording of the evidence of the witnesses, continuance of the petitioner further in jail would not be of any useful purpose. Prayer has, thus, been made for grant of regular bail to the petitioner.

On the other hand, learned counsel for the State has asserted that the trial is at the fag-end, with the trial virtually on the conclusion as the defence is leading its evidence. He, therefore, contends that at this stage, the petitioner be not granted the concession of bail. However, the statements of the witnesses reference where to has been made by the counsel for the petitioner could not be disputed by Mr. Pathak, learned Addl. A.G., Punjab.

I have considered the submissions made by the learned counsel for the parties and keeping in view the fact that the star witness of the prosecution, namely Jaswant Singh, husband of deceased Sunita, before whom she had given her statement, which became the basis for registration

CRM-M-25737-2020

of the FIR, has not supported the prosecution case and has been declared hostile by the prosecution, further with the petitioner being in custody for more than four years and six months although the trial is at the stage where the defence evidence is being led, which is the prevailing circumstances, is not forthcoming, as the Courts are not recording the evidence, this criminal miscellaneous petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

September 7th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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