

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

CRM-M-27012-2020 (O&M)

Date of decision: 16.09.2020

Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurvinder Singh Aulakh, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 110 dated 13.10.2018 registered under Sections 346 IPC, later on Sections 302 and 34 IPC were added and Section 306 IPC was deleted vide rapat No. 34 dated 22.10.2018, at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned counsel for the petitioner states that the petitioner has not been named in the present FIR, the petitioner was indicted in the present case on the basis of statement of Jaskaran Singh s/o Balvir Singh, last seen evidence, recorded on 22.10.2018. He further contends that the learned Sessions Judge while dismissing the bail application of the petitioner has discussed that although the certain witnesses have been examined and some

of them have not supported the case of prosecution but certain material witnesses are yet to be examined. He has also placed on record the statements of Resham Singh and Sarwan Singh (Annexures P-6- and P-7), who have been declared hostile. The petitioner has been in custody for the last 01 year, 10 months and 20 days and co-accused Amarjit Kaur @ Amarjeet Kaur has been granted regular bail, vide order dated 03.09.2020.

Copy of custody certificate by way of affidavit dated 15.09.2020 of Deputy Superintendent, Central Jail, Bathinda submitted by the learned State counsel through email is taken on record.

Learned State counsel State counsel has not disputed the facts regarding the custody period of the petitioner. He points out that out of total 17 prosecutions witnesses, only 6 witnesses have been examined so far.

I have heard the learned counsel for the parties.

In the present case, one co-accused has been granted regular bail and two witnesses have been declared hostile. The trial will take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.09.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No