206-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.28429 of 2020
Date of decision : October 14, 2020

Sukhwinder Singh @ Sokhi ..... Petitioner

Versus

State of Punjab ..... Respondent

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 83 dated 26.06.2018, registered under Sections 302, 342, 323, 506, 308 and 149 IPC, at Police Station Chabbewal, District Hoshiarpur.

It is contended by learned counsel for the petitioner that case against the petitioner is totally false. The petitioner is not involved in the incident at all. All the witnesses were made-up witnesses. Still further, it is submitted that the prosecution has even given up the alleged eye witnesses. Even the other material witnesses, examined by the prosecution, have not supported the case of the prosecution. As a result, there is no witness to depose against the petitioner qua the offence under Section 302 IPC. The petitioner has been in custody since 01.07.2018. There is no other case

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against the petitioner. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves the concession of bail pending trial.

On the other hand, learned State counsel, being instructed by ASI Rajwinder Singh, submits that the name of the petitioner finds mentioned in the FIR. However, he has got instructions from the concerned police to say that the prosecution has already given up the alleged eye witnesses; and the other material witnesses, examined by the prosecution, have already turned hostile. It is also not disputed that there is no other case against the petitioner; and that the petitioner is in custody since 01.07.2018.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

October 14, 2020
sarita
Whether speaking / reasoned Yes
Whether Reportable: No

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