

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

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IN VIRTUAL COURT

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CRM-M No. 31738 of 2020 (O & M)
Date of decision : 15.10.2020

Harmesh Singh @ Meshi @ Gora **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. N.S. Chahal, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 25151 of 2020 :

Allowed as prayed for.

Main Case :

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. 76 dated 13.7.2014, registered under Sections 302, 376, 201 and 34 IPC, at Police Station Dialpura, District Bathinda.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the allegations, it was a murder not witnessed by anyone. The name of the petitioner has been sought to be involved only on the basis of separate statement made by one Jagroop Singh. However, said Jagroop Singh appeared as PW5 in the trial of the co-accused and deposed before the trial Court that he had not seen any person committing the incident as claimed by the police. It is also submitted that even the complainant has turned hostile in the trial of the co-accused. As a result,

the co-accused has been acquitted by the trial Court. Earlier the petitioner was not aware of the FIR against him. However, subsequently, the petitioner was arrested in this case on 8.10.2019. The prosecution is relying upon the same evidence against the petitioner as well, which the prosecution had sought to rely upon against the co-accused of the petitioner. That evidence has already been dis-credited in the trial of the co-accused, who has been acquitted now. There is no other case against the petitioner.

Notice of motion.

Mr. APS Gill, DAG, Punjab, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Kashmir Singh, submits that the name of the petitioner had surfaced during the investigation through the statement of Jagroop Singh. However, it is not disputed that neither said Jagroop Singh nor the complainant has supported the prosecution version during the trial of the co-accused of the petitioner. It is also not disputed that the petitioner is in custody since 8.10.2019, and that there is no other case against the petitioner.

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

15.10.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No