

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.26303 of 2021 (O&M)

Date of Decision:03.08.2021

(Heard through VC)

Jaswinder Singh @ Jass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.103 dated 30.06.2019 under Sections 302/313 of IPC registered at Sadar Faridkot, District Faridkot.

Counsel for the petitioner herein prays for regular bail to the petitioner by contending that the petitioner has been falsely implicated in the said FIR which would be evident from the fact that the material witnesses have been examined and none of them have supported the case of the prosecution and the DNA report available is also inconclusive. It is argued that the complainant has been summoned thrice to depose, however, she is not forthcoming to have her statement recorded and therefore, prays for grant of bail to the petitioner.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the petitioner has been nominated

as an accused under Section 302/313 IPC, however, she does not dispute the fact that material witnesses have not deposed in favour of the prosecution, the DNA report is inconclusive and the fact that the complainant though given several opportunities to come and depose has not done so.

I have heard counsel for the parties. Keeping in view the fact that material witnesses have not supported the prosecution case and the DNA report is inconclusive and the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 03, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No