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

**CRM-M-28464-2020
Date of Decision: 28.01.2021**

Beant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.31, dated 13.03.2020, under Section 304-B of the IPC, registered at Police Station Amloh, District Fatehgarh Sahib.

2. Seen Letter No.449/E.B. dated 25.01.2021, sent up by Ld. District and Sessions Judge, District Fatehgarh Sahib, in compliance of the last order.

3. It transpires that the statement of witness Jaspreet Kaur as PW-1 was recorded in the Ld. Trial Court on 22.01.2021, but she did not support the prosecution case and was declared hostile on behalf of the State, even though

she happens to be the own sister of the deceased, and was the Star Witness inasmuch as the complainant (her father) had derived his knowledge regarding the facts and circumstances of the case from her.

4. Ld. Counsel for the petitioner thereafter has drawn attention of the Court to the contents of Paras No. 5 and 6 of the present petition, which disclose certain facts concerning the deceased, and which need not be repeated here in view of the sensitive nature of the same. At any rate, it is a matter of record that subsequently on 25.08.2020, the complainant, who happens to be father of the deceased, had sworn an Affidavit exonerating the petitioner and acknowledging the veracity of the aforesaid sensitive facts disclosed in the relevant Paras of the petition, a copy of which Affidavit is on record as Annexure P-2.

5. In the circumstances, considering the long incarceration suffered by the petitioner, since 14.03.2020, at this stage this Court is of the opinion that his further detention for an indefinite period is not called for. As such, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

28.01.2021

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No