

CRM-M-34577-2021 (O&M)
Decided on : 11.10.2021

Sukhdev Singh @ Sukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. C.S.Rana, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Manjari Nehru Kaul, J.**CRM-33584-2021**

Application is allowed and the copies of statements and the orders Annexure 9-4 to P-9 are taken on record subject to all just exceptions. Office to tag the same at appropriate place.

Main case

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.17 dated 21.03.2020 registered under Sections 302, 201, 120-B IPC, 1860 at Police Station Mukandpur District SBS Nagar.

On a query put to learned counsel as to what was the change in the circumstances subsequent to the withdrawal of the previous petition on 10.12.2020, he has apprised that both the material witnesses have since been examined.

It has been submitted by learned counsel that the case of petitioner rests on circumstantial evidence. The motive as pleaded by the prosecution to commit the murder of Zorawar Singh is stated to be an illicit relationship between the petitioner and the wife of the deceased Zorawar Singh i.e. co-accused Navdeep Kaur. He submits that on the point of motive both the

material witnesses i.e. PW-1 Paramjit Kaur, sister of the deceased and also a witness of last seen as well as PW-2 - Amarjit Singh, father of the deceased while stepping into the witness box did not support the case of the prosecution as a result of which they were declared hostile. He submits that in the above background it is thus, evident that the petitioner has been falsely implicated in the case in hand. A prayer has been made that as the petitioner has been in custody since 17.04.2020 and only two out of 23 prosecution witnesses cited have been examined so far, his further incarceration would not serve any purpose and hence, he be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has conceded that both the material witnesses did not support the case of the prosecution as a result of which they were declared hostile. She on instructions from ASI Ram Lal however submits that the knife which was used in the alleged crime was recovered from the petitioner.

Heard learned counsel and perused the material available on record.

In the facts and circumstances as enumerated hereinabove, since the material witnesses already stand examined the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.10.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No