

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

**112+231**

**CRM-42655-2021 in/and  
CRM-M-35439-2021  
Date of decision: 14.12.2021**

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Jagraj Singh Khiva, Advocate  
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab  
for the respondent-State.

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**MANJARI NEHRU KAUL, J. (ORAL)**

**CRM-42655-2021**

Prayer in this application is for exemption from filing certified/fair/legible copies of statements of PW1 to PW3 recorded before the trial Court and placing on record photocopies of the same as Annexures A-1 to A-3.

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/fair/legible copies of statements of PW1 to PW3 photocopies of which are taken on record as Annexures A-1 to A-3.

**CRM-M-35439-2021**

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0056 dated 20.04.2021 lodged under Sections

377, 323 and 506 IPC registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand finds credence from the fact that all the material witnesses including the complainant while stepping into the witness box, did not support the case of the prosecution as a result of which they were declared hostile. In support, learned counsel has invited the attention of this Court to the deposition of all the material witnesses annexed as Annexures A-1 to A-3 wherein the factum of all these witnesses hostile stands reflected. A prayer has, therefore, been made to extend the concession of bail to the petitioner as he is now been in custody since 22.04.2021 and his further incarceration would be of no avail.

Per contra, learned State counsel while opposing the prayer of the counsel opposite, on instructions from ASI Kulwant Singh, has not been able to controvert the submissions made by the counsel opposite qua all the material witnesses including the complainant turning hostile. Learned State counsel has on instructions submitted that out of the 23 prosecution witnesses cited only 03 stand examined.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as 20 prosecution witnesses remain to be examined. The instant 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.

14.12.2021

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |