

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

**CRM-M-38596-2020 (O&M)
Date of decision:18.08.2021**

Buta Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jupinder Pal Singh Brar, Advocate for the petitioner.

Mr. H.S. Sitta, A.A.G., Punjab.

Mr. Amandeep Chhabra, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-19826-2021

Application is allowed as prayed for.

Annexure A-1 is taken on record.

CRM-M-38596-2020

Custody certificate, by way of an affidavit dated 16.08.2021 of Additional Superintendent, Central Jail, Bathinda, filed through email, is taken on record.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.110 dated 12.6.2020 registered under Sections 302, 201, 120-B, 148, 149 IPC at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case, rather the FIR in question has been registered against the unknown persons. He further submits that the petitioner has no motive to commit the murder and no weapon of offence or any incriminating article has been recovered from him. It is further submitted that the star witnesses, namely, Vicky Singh son of Nirmal Singh, who is the real brother of the deceased, and Vinod alias Gurpreet Singh son of Kala Singh, who had allegedly dropped the deceased at the house of Kuldeep Kaur alias Soni wife of Ranjit Singh Fauji in Village

Bhaini, near Village Mehraj, District Bathinda, while stepped into the witness box as PW1 and PW2, have been declared hostile on 01.07.2021 and 19.07.2021, respectively. It is further submitted that the petitioner has been in custody since 03.06.2020 and there is no other case pending or registered against him. Moreover, Ranjit Singh Fauji, who was named in the FIR, has been declared innocent.

Learned State counsel, while opposing the grant of bail to the petitioner, does not dispute the custody period of the petitioner and the fact that the aforesaid star witnesses have been declared hostile.

I have heard the learned counsel for the parties.

As noticed above, the star witnesses have been declared hostile and there is no other case pending or registered against the petitioner. The petitioner has been in custody since 03.06.2020. The trial would take a considerable long time in its conclusion, especially due to Covid-19. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

18.08.2021
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No