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

(1) **CRM-M-40593-2020 (O&M)**

Jasvir Kaur @ Jassi ...Petitioner

Vs.

State of Punjab ...Respondent

(2) **CRM-M-40662-2020 (O&M)**

Ravi Singh ...Petitioner

Vs.

State of Punjab ...Respondent

(3) **CRM-M-40689-2020 (O&M)**

Sukhwinder Singh ...Petitioner

Vs.

State of Punjab ...Respondent

Date of decision-24.03.2021

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vikram Preet Arora, Advocate for the petitioner(s).

Mr. Ramdeep Partap Singh, D.A.G., Punjab

MANOJ BAJAJ, J. (Oral)

This order shall dispose off the above mentioned three petitions filed on behalf of petitioners, namely, Jasvir Kaur @ Jassi, Ravi Singh and Sukhwinder Singh seeking regular bail under Section 439 Cr.P.C. in case FIR No.44 dated 26.2.2019, under Section 302, 34, 120-B IPC, P.S. Gobindgarh, District Fatehgarh Sahib. The petitioners are in custody since their arrest on 7.3.2019.

The FIR was registered on the statement of Shamshad Khan wherein it was alleged they were two brothers and about 5-6 years back, his brother Suraj Ali was married to one Sultana, but later on divorce took place between them and she went back to her parental home. His brother was working at a Mill at Gobindgarh and used to stay there and rarely visited him due to paucity of time. It was further alleged that his brother had gone to Mandi Gobindgarh for 7 days and did not return back. In the morning of 25.2.2019, he came to know that due to injuries, his brother was got admitted in Civil Hospital, Mandi Gobindgarh. The complainant alongwith his father went there and came to know that in the midnight of 24/25.2.2019, some unidentified persons caused grievous injuries on the head of his brother with an intention to kill him, near Raghav Steel Industries. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioners contends that the case of the prosecution is based upon circumstantial evidence and according to the initial statement of the complainant some unknown persons had given

beatings to victim Suraj Ali, who later on died. The FIR was registered for the offence punishable under Section 307 IPC and subsequently after the death of the injured, the offence punishable under Section 302 IPC was added.

Learned counsel for the petitioners further contends that the similarly situated co-accused namely Kuldeep Singh has been released on regular bail vide order dated 07.08.2020. It is further pointed out that the complainant has already been examined as PW-1 on 28.2.2019 and has not supported the case of the prosecution, who turned hostile. He submits that the material witnesses have already been examined and therefore, further detention of the petitioners may not be necessary. He prays for bail.

Learned State counsel on instructions from ASI Jaswinder Singh does not dispute this fact that the co-accused of the petitioners is on regular bail and four witnesses have been examined so far. He submits that in all there are 22 witnesses but still 18 prosecution witnesses remain to be examined.

After hearing the rival contentions of learned counsel for the parties and considering the above background, this Court finds that the material witnesses have already been examined and the remaining witnesses are the official witnesses and there does not seem any possibility of their being won over at this stage. As 18 witnesses still remain to be examined, so it is evident that the trial is likely to consume considerable time to conclude, therefore, further detention of the petitioners behind bars may not be

necessary for any useful purpose, who are presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM concerned.

The petitions are allowed.

(MANOJ BAJAJ)
JUDGE

24.03.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No