

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-40570 of 2020
Date of Decision: 16.03.2021

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Brijesh Nandan, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.23, dated 18.02.2018, having been registered at Police Station Jandiala, District Amritsar, alleging therein the commission of an offence punishable under Section 302 of the IPC.

Learned counsel for the petitioner points to the testimonies of material witnesses, i.e. the complainant and his brother-in-law, to submit that there is a material difference between what is stated in the FIR, where the complainant virtually infers that he saw his sister being strangled by the petitioner, whereas in the testimony he denies the occurrence taking place in front of him but otherwise of course he stated that she was murdered by the petitioner.

Other than that, he submits that the petitioner has been in custody for more than three years, with the trial still not anywhere near conclusion and therefore, in the aforesaid circumstances, he deserves to be admitted to bail.

Learned State counsel while of course submitting that the witnesses did not wholly resile from their statements, however could not deny the actual period of custody of the petitioner and the fact that out of 20 prosecution witnesses only four have been examined so far.

That being so, without making any comment on the actual merits of the case, this petition is allowed and the petitioner is ordered to be released on bail upon furnishing his adequate bail and surety bonds to the satisfaction of the trial court.

It is of course made clear that this court has made no comment whatsoever on the contention raised by counsel for the petitioner with regard to any discrepancy in the testimony of the witnesses, which naturally would be appraised by the trial court regardless of any observation made in this order.

March 16, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No