

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104+229

**CRM-M-55243-2019 (O&M)
DATE OF DECISION: 13.09.2021**

KHUSHPREET SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Himmat Singh Deol, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

CRM-26606-2021

This application is for placing on record orders dated 12.08.2021 passed in CRM-M-24535-2020 and CRM-M-27704-2021 which are annexed as Annexures P-6 and P-7.

For the reasons mentioned in the application, the same is allowed and the orders annexed at Annexure P-6 and P-7 are taken on record, subject to all just exceptions.

Main case

The petitioner is seeking regular bail in FIR No.90 dated 02.06.2019, under Sections 302, 34 and 506 IPC, registered at Police Station Lambi, District Muktsar Sahib.

Learned counsel for the petitioner contends that it was stated by the injured Gurpreet Singh at the time of admission to hospital that he had received injuries in a road side accident. A copy of the admission slip is annexed as Annexure P-2. In the FIR which has been lodged by Kulwant Singh-complainant, it was alleged that due to sudden altercation, the petitioner and co-accused had caused injuries. He, however, contends that the complainant, who was examined as PW-1; Balwinder Singh, uncle of the deceased, who was examined as PW-2; Harnek Singh, father of the deceased, who was examined as PW-3; Manmohan Singh, brother of the deceased, who

was examined as PW-7 and other material witnesses including Amandeep Kaur (PW-4) and Jagdish Singh (PW-8) have not supported the prosecution case qua the involvement of the petitioner. The petitioner is in custody for over 2 years and 3 months since his arrest on 03.06.2019. The similarly situated co-accused namely Gurjit Singh @ Sonu and Baljeet Singh @ Kalu have been granted regular bail by this court in CRM-M-24535-2020 and CRM-M-27704-2021 on 12.08.2021 respectively.

Learned State counsel, upon instructions from ASI Karnail Singh states that 11 out of 27 prosecution witnesses have been examined. He is not in a position to controvert the submission of learned counsel for the petitioner that the aforementioned material witnesses have not supported the prosecution case qua the involvement of the petitioner. He, however, contends that other witnesses have to be examined and there is sufficient evidence to establish the involvement of the petitioner.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 3 months, the co-accused have been granted regular bail, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

13.09.2021

SwarnjitS

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