

CRM-M-4203-2021

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

CRM-M-4203-2021 (O & M)

Date of decision: 11.07.2022

Lal Chand

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Avtar S. Khinda, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.68 dated 06.09.2020, registered at Police Station Dhilwan, District Kapurthala, under Sections 307, 336, 323, 324, 452, 148, 149 and 120-B IPC, Sections 25 and 27 of the Arms Act, 1959 and Section 302 IPC (added subsequently).

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR, yet no specific role has been attributed to him; that there are as many as 17 persons arraigned as accused in the present case and out of them, 12 accused have been arrested, 01 accused has already died and 04 accused have been declared proclaimed offenders, and that five material prosecution witnesses, including the complainant, while appearing before the trial Court as PW 1 to PW 5, have not supported the prosecution version and have been declared hostile.

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Learned counsel further contends that the petitioner has been in custody since 13.09.2020. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime. However, he does not dispute the fact that the complainant and four other material witnesses while appearing before the trial Court as PW 1 to PW 5, have turned hostile.

I have heard the learned counsel for the parties.

No specific role has been attributed to the petitioner in the FIR. Out of 46 prosecution witnesses, 05 witnesses have been examined, but they not supported the prosecution version and have been declared hostile.

The petitioner has been in custody since 13.09.2020. Trial is unlikely to conclude any time soon. 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.

11.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No