

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4200-2022
Reserved on:07.02.2022
Pronounced on: 10.02.2022

Jaskaran Singh @ Machhi
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
81	21.05.2021	Nihal Singh Wala, District Moga	325, 323, 34 IPC and 304 IPC (added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 18 of the petition, it is declared that the accused has no criminal history.
3. Ld. Counsel for the petitioner contends that the examination-in-chief of Rakesh Kumar (nephew of deceased) has already taken place and there are material contradictions in his statement, and further incarceration would cause an irreversible injustice to the petitioner and family.
4. The contention on behalf of the State is that material witnesses are yet to be examined.

REASONING:

5. The petitioner has annexed copy of the statement of PW-1 Rakesh Kumar,

recorded on 12.10.2021. At page 36 of the petition, it is mentioned that the cross-examination of the witness was deferred at the request of one of the accused. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner at this stage. Given the nature of allegations in FIR and the version of PW-1, it would be in the interest of justice to the victim that no opportunity is granted to win over the witnesses. The petitioner may file a fresh bail petition after the statements of the eyewitnesses and recovery witnesses, other than the police officials, is recorded.

6. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

8. The trial court is requested to expedite the trial. Registry to inform the concerned trial court.

Petition dismissed in aforesaid terms. Liberty reserved to file fresh bail petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 10, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.