

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

CRM-M-4961-2022 (O&M)

Date of decision: 19.04.2022

Surjit Ram @ Babu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Shivya Sehgal, Advocate, for the petitioner..

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.30 dated 30.03.2017, under Sections 302, 120-B and 34 IPC, registered at Police Station Sadar Raikot, District Ludhiana.

Status report by way of affidavit dated 16.04.2022 of the Deputy Superintendent of Police, Raikot, District Ludhiana (Rural), and the short reply by way of affidavit dated 19.04.2022 of the Superintendent, Central Jail, Ludhiana, along with medical report, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner contends that complainant-Gurpreet Singh, brother of the deceased, while appearing before the trial Court as PW 1, has not supported the prosecution version and has been declared hostile; that co-accused, Jagdev Singh @ Nikku and Jaswinder Singh @ Golu, stands enlarged on regular bail by this Court, vide separate orders dated 21.01.2022, and Harjit Kaur wife of the deceased has also been granted bail by the learned trial Court; that the petitioner has been in custody since 13.12.2020; and that the petitioner is not involved in any other case, except one under the Excise Act. Moreover, as per the medical report qua the

petitioner, he was operated upon in the month of April-2020 and is still taking treatment. Till date, only one prosecution witness, i.e. complainant-brother of the deceased has been examined and has turned hostile and the co-accused are already on bail.

Learned State counsel opposes the prayer for bail. However, he does not dispute the custody period of the petitioner and that out of 18 prosecution witnesses, only complainant has been examined so far, and has already turned hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 13.12.2020. The complainant has already turned hostile. The remaining 17 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner, except one under the Excise Act and three co-accused are on bail. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

CRM-7809-2022

In view of the above order, learned counsel for the petitioner does not want to press the present application.

Dismissed as not pressed.

19.04.2022

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No