

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-5498-2021

Date of Decision:-14.09.2022

Heera Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rishu Mahajan, Advocate for the Petitioner.

Mr. Hakam Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.146 dated 25.06.2019 under Sections 302, 307, 324, 34 IPC registered at Police Station Beas, District Amritsar during the pendency of the trial.

2. The brief facts of the case are that the statement of Ranjit Singh was recorded to the effect that he was a labourer. On 25.6.2019 his brother Sandeep along with Gurpreet Singh son of Jagatpal were going for doing paint work on the motor cycle of Sandeep. Behind them he (complainant) was also riding on the motorcycle of Gurpreet son of Dilbagh. At about 8.30 am Tejwinder Singh @ Jagga, Navjot Singh @ Nav, Heera Singh (present petitioner) and Akbar Singh @ Toni came there and caused multiple injuries on the person of his brother Sandeep and Gurpreet Singh son of Jagatpal.

On raising an alarm the assailants ran away from the spot. He along with Gurpreet Singh son of Dilbagh Singh arranged the conveyance and brought his brother Sandeep and Gurpreet Singh son of Jagatpal Singh injured to the hospital where his brother Sandeep was declared dead.

3. The Counsel of the petitioner contends that two material witnesses namely the complainant Ranjit Singh (statement Annexure P-1) and PW-2 Gurpreet Singh son of Jagatpal Singh (statement Annexure P-2) have been examined and have not supported the case of prosecution. He contends that the petitioner has been in custody since more than 03 years and only 02 out of the 23 witnesses have been examined. Since the main witnesses of the occurrence have been examined and have not supported the case of the prosecution, the petitioner deserves the concession of regular bail.

4. The Counsel for the State on the other hand does not dispute the factual position that two material witnesses have been examined and they have not supported the case of the prosecution. He also admits the period of custody undergone by the petitioner. He however submits that the seriousness of the allegations does not entitle the petitioner to the grant of bail.

5. I have heard counsel for both the sides at length.

6. Admittedly, the petitioner is in custody since June 2019. Two material witnesses out of 23 cited prosecution witnesses stands examined. They have not supported the case of the prosecution. The Hon'ble Supreme Court in **“Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675** and this Court in **“Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-**

2015 decided on 22.08.2016 has held that grant of bail can be considered, where witnesses stand examined.

7. In view of the period of incarceration undergone by the petitioner, as also the fact that material witnesses have turned hostile, the further incarceration of the petitioner is not required. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Heera Singh** son of Sh. Kashmir Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 14, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>