

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

CRM-M-8468-2022

Date of decision: 30.05.2022

Kaka Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Munish Gupta, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.75 dated 23.04.2020, registered at Police Station Sadar Nabha, District Patiala, under Sections 452, 302, 188 and 34 IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that complainant-Baljit Kaur passed away on 21.12.2020, as would decipher from the death certificate (Annexure P-6), that sole eye-witness Mandeep Singh, while stepping into the witness-box as PW-3, has not supported the prosecution version and has been declared hostile, and that the petitioner has been in custody since 27.04.2020.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had given a baton blow on the head of Joginder Singh, who had succumbed to the injuries on the way to the hospital. However, he does not dispute that the complainant has expired and PW 3 Mandeep Singh has turned hostile.

I have heard the learned counsel for the parties.

In the present case, the complainant has passed away. The sole eye-witness Mandeep Singh (PW 3) has not supported the prosecution version and has been declared hostile.

The petitioner has been in custody since 27.04.2020. Out of 15 prosecution witnesses, 10 witnesses are yet to be examined. 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.

30.05.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No