

CRM-M-13802-2022

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

CRM-M-13802-2022

Date of decision: 19.05.2022

Pal Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Arora, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioners seek regular bail in case bearing FIR No.270 dated 01.08.2020, registered at Police Station Goindwal Sahib, District Tarn Taran, under Sections 304 and 34 IPC and Section 61 of the Punjab Excise Act, 1914 (Section 304 IPC converted to Section 302 IPC).

Status report dated 18.05.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Khadur Sahib, Camp at Goindwal Sahib, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioners contends that though the first petition of the petitioners was dismissed by this Court, vide order dated 16.07.2021, yet there is a substantial change in circumstance that the material witnesses i.e. Kulwinder Kaur, Pargat Singh, Sham Singh and Tarun Kaur, while appearing before the trial Court as PW1 to PW 4, respectively, have not supported the prosecution version and have been

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declared hostile. The petitioners have been in custody since 13.09.2020 and 10.08.2020, respectively. So far as other case registered against the petitioners under the Excise Act, is concerned, they have since been released on bail therein.

On the other hand, learned State counsel, while opposing the prayer for the grant of bail to the petitioners, submits that two persons, namely, Lakhwinder Singh @ Shinda and Sukhwinder Singh, died after consuming illicit liquor, stated to be supplied by the petitioners.

I have heard the learned counsel for the parties.

Complainant-Tarun Kaur, while appearing before the trial Court as PW 4 on 07.01.2022, did not support the prosecution version and was declared hostile. Similarly, material witnesses i.e. PW 1 Kulwinder Kaur, PW 2 Pargat Singh and PW 3 Sham Singh did not support the prosecution version and were also declared hostile.

The petitioners have been in custody for the last 01 year and 06 months. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioners 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 petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.05.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No