

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.16644 of 2021 (O&M)
Date of Decision.28.02.2022

Manjit Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.189 dated 13.12.2020 registered under Sections 324, 323, 34 IPC (Section 307 IPC added later on) at Police Station Kulgari, District Ferozepur.

Learned counsel appearing for the petitioner, while praying for regular bail to the petitioner would contend that the petitioner has been in custody since 20.09.2020 and charges have been framed on 29.11.2021. It is contended that the matter was posted by the trial court for recording the evidence of the injured and the complainant, however, despite several opportunities having been given to them, they are not coming forth to have their statements recorded. He would rely upon the orders passed by the Additional Sessions Judge, Ferozepur dated 07.12.2021, 10.01.2022, 18.01.2022 and latest orders dated 21.01.2022 & 23.02.2022 to contend that neither the victim nor the complainant is coming forth for recording their statements, despite having been issued summons andailable warrants

through SSP, Ferozepur.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner, however, he is not in a position to controvert the fact that despiteailable warrants having been issued, the complainant and the victim are not coming forth to have their statements recorded.

I have heard learned counsel for the parties and have perused the paper book. The petitioner herein is in custody since 20.09.2020 and neither the complainant nor the victim is coming forth to have their statements recorded, despite having been granted several opportunities. Even this Court vide order dated 20.01.2022 had adjourned the matter with direction that the State will ensure presence of the victim/complainant on the next date of hearing before the trial court. However, the complainant and the victim are not coming forth to have their statements recorded, despite having been issuedailable warrants through SSP, Ferozepur. In view of the aforementioned facts, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of adequate personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

February 28, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No