

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

208

**CRM-M-15661-2022
Date of decision: 20.07.2022**

Gurinder Singh	Versus	Petitioner
State of Punjab		Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.176 dated 14.08.2020 lodged under Section 304-B IPC registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition seeking similar relief on 08.07.2021 the material witnesses stand examined. He *inter alia* submits that false implication of the petitioner, who is husband of the deceased, finds credence from the fact that while stepping into the witness box as PW2, the complainant (father of the deceased) did not support the case of the prosecution as a result of which he was declared hostile. Learned counsel submits that even the other material witness i.e. PW3 Jasbir Singh (brother of the deceased) failed to support the case of the prosecution. In support, learned counsel has placed on record the testimony of the aforementioned witnesses. A prayer has, therefore, been made for extending the concession of bail to the petitioner as he has now been in custody for close to two years having been arrested on 15.08.2020. Learned counsel submits that the trial is

unlikely to conclude in the near future as 12 prosecution witnesses out of the total 15 cited remain to be examined.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from ASI Jagdesh Kumar, has not been able to controvert the factum of both the material witnesses i.e. the complainant (father of the deceased) as well as the brother of the deceased turning hostile during trial. Learned State counsel submits that the next date fixed before the trial Court is 02.08.2022 when two more prosecution witnesses have been summoned to depose.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove, moreso, when both the material witnesses were declared hostile during trial, this Court deems it appropriate to extend the concession of bail to the petitioner as his further incarceration would not serve any useful purpose. The custody certificate which has been placed on record by the State counsel does not reflect the involvement of the petitioner in any other criminal case.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.07.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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