

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

234

CRM-M-16185-2022 (O&M)

Date of Decision: 11.05.2022

HARCHARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. HS Brar, Senior Advocate with
Mr. Jivitesh Singh Dosanjh, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.92 dated 31.05.2021, registered under Sections 306, 506, 149 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (added later on), at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned Senior counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that in the supplementary challan presented on 05.01.2022, petitioner along with Khushwinder Singh son of Harnek Singh and Sukhjinder Singh @ Laddi son of Gurdev Singh, have been declared innocent and kept in column No.2 and that the petitioner has been in custody since 18.10.2021. He further submits that complainant, namely, Karamjit Kaur, while appearing as PW-1, before the trial Court, has not supported the prosecution version and turned hostile.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner as well as the factum of PW-1 turning hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.10.2021. The complainant has turned hostile. The petitioner has been declared as innocent and kept in column No.2 of the supplementary challan. Prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.05.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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