

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

**CRM-M-20785 of 2021
DECIDED ON:16th March, 2022**

Sonu @ Bauna

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.S. Brar, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The petitioner is before this Court for grant of regular bail in case of FIR No. 173 dated 2.10.2018, under Section 302 IPC, 1860, registered at Police Station City Muktsar Sahib, District Sri Muktsar Sahib.

The FIR was at the instance of Tara Chand. Brother of the complainant Gurmail Singh was murdered. His body was found in front of Shiv Chand Petrol Pump Jalalabad Road, Sri Muktsar Sahib. There were deep injuries on the head and one testicle had come out.

As per the case set up Raj Kumar, an employee of the Petrol Pump had seen the petitioner and the deceased fighting when they were drunk. There is CCTV footage available with the prosecution. Blood stained clothes of the petitioner and an *Iron kundi* were recovered.

Learned counsel for the petitioner submits that the petitioner is in custody since 3.10.2018. He places reliance upon the statement of PW4- Raj Kumar that in cross-examination he stated that he knew nothing about the occurrence. Contention is that trial is not progressing. It is argued that CCTV footage does not support the case of the prosecution.

Learned State counsel on instructions from ASI Jagdish vehemently opposes the prayer and submits that the cross-examination of PW4 is being read in isolation whereas in the deposition the prosecution witness has fully supported the case of the prosecution. He further argues that apart from the statement of PW4, there is other material supporting the case of the prosecution. He further on instructions submits that out of remaining sixteen witnesses, twelve are official and an earnest effort would be made to examine the prosecution witnesses atleast the official witnesses within three months from the date fixed.

The observations made hereinabove are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

It would not be appropriate at this stage for this Court to make comment upon the deposition of PW4, as it would influence the trial. As per the case set up, the allegations are serious, apart from witnesses, prosecution is relying upon other material also. The custody period of the petitioner itself would not be a ground for grant of bail, more so, when *in spite of* COVID-19 restriction, prosecution witnesses were examined and learned State counsel made a statement that an earnest effort is there to conclude the prosecution evidence at the earliest.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

16th March, 2022
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Whether speaking/reasoned *Yes*
Whether reportable *No*