

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

226

CRM-M-20599-2022

Date of Decision : **May 18, 2022**

AMANDEEP SINGH ALIAS AMAN AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Dinesh Mahajan, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.126 dated 30.7.2021 under Sections 307, 506, 34 IPC and Sections 25, 27 of Arms Act, registered at Police Station Division No.2, District Pathankot.

The learned counsel for the petitioners has submitted that petitioner No.1 is in custody from 30.7.2021 and petitioner No.2 is in custody from 4.8.2021. He submitted that earlier also the petitioners had filed bail application which was dismissed as withdrawn at that stage on 17.3.2022 in view of the fact that no witness was examined at that point of time and thereafter the material witnesses have been examined and, therefore, the successive bail application is maintainable. He further submitted that the main witness i.e. complainant, namely, Ramesh Lal has been examined and he has not supported the prosecution case and was declared hostile and similarly other three private witnesses have also turned hostile and has submitted that total five witnesses have already been examined and, therefore, the petitioners may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner No.1 is in custody from 30.7.2021 and petitioner No.2 is in custody from 4.8.2021. he submitted that out of eleven witnesses, five witnesses have been examined and the three witnesses are the private witnesses including the complainant who have been examined and they have turned hostile. He further submitted that it is a case of no injury to anybody.

I have heard the learned counsels for the parties.

After the earlier withdrawal of the bail application, the petitioners have now filed the second bail application as some of the prosecution witnesses including the complainant have been examined and the other three private witnesses as per the learned counsel for the parties including the complainant have turned hostile. It has also been submitted by both the learned counsels for the parties that it is a case of no injury to anybody.

Therefore, considering the aforesaid facts and circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioners.

Consequently, the petition is allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

May 18, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No