

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

CRM-M-20667-2022 (O&M)

Date of decision: 09.08.2022

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S. Gandhi, 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.93 dated 12.07.2018, registered at Police Station B Division, District Amritsar, under Sections 302, 201, 148 and 149 IPC.

Status report filed by the learned State counsel is already on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case on the basis of a video recording; that PW-3 Narinder Singh (complainant), while stepping into the witness-box on 17.07.2019, did not support the prosecution version and was declared hostile, and that similarly, PW-4 Ranjit Kaur, who had allegedly videographed the incident through her phone, while stepping into the witness-

box on 31.08.2019, did not support the prosecution version and was declared hostile. The petitioner is not involved in any other case.

Learned counsel for the petitioner further contends that challan was presented way back on 06.09.2018; that the petitioner has been in custody since 18.07.2018; that similarly situated co-accused, namely, Gurjit Singh @ Kalu, has since been granted the concession of regular bail by this Court, vide order dated 27.04.2022 passed in CRMM-34638-2020, and that co-accused namely, Arshdeep Singh @ Ashu has since been granted the concession of interim bail by a Coordinate Bench, vide order dated 29.10.2021 passed in CRM-M-24348-2021.

Learned State counsel, while vehemently opposing the prayer for bail submits that the above-noted FIR was registered on the basis of a video recording, and that as per the said video recording, the petitioner had given a baton blow on the head of the deceased. However, he does not dispute the custody period of the petitioner. He submits that the said video recording has been duly authenticated by the CFSL, Chandigarh, and the report along with the certificate under Section 65-B of the Indian Evidence Act has already been submitted in the learned trial Court and that out of 34 prosecution witnesses, 14 have been examined.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 18.07.2018. The petitioner is not involved in any other case. Narinder Singh, PW-3, (complainant) and Ranjit Kaur PW-4, have turned hostile. Two co-accused

are on bail. The remaining 20 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

09.08.2022
Mangal Singh

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