

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

CRM-M-23085-2022 (O&M)

Date of decision: 27.07.2022

Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sandeep Godara, Advocate for
Mr. Ajay Pal Singh Rehan, 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.03 dated 04.01.2021, registered under Sections 302, 341, 342, 148 and 149 IPC, at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant, namely, Lucky, (brother of the deceased), who in his statement had stated that one Sourav Gill son of Satiyam Masih, had informed the complainant that the petitioner, Kalu, Gagandeep Singh @ Gagan along with some other persons, while encircling the Roucka (the deceased) had beaten and inflicted injuries upon him.

He further submits that Sourav Gill, while appearing as PW-1 before the trial Court on 19.01.2022 has not supported the prosecution version and turned hostile. The petitioner has been in custody since 12.01.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the murder of

Roucka-brother of the complainant. However, he does not dispute the custody period of the petitioner and the fact that eye-witness Sourav Gill, while appearing as PW-1 before the trial Court on 19.01.2022 has not supported the prosecution version and turned hostile. He submits that out of 23 prosecution witnesses, 01 has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.01.2021. Eye-witness Sourav Gill, while appearing as PW-1 before the trial Court on 19.01.2022 has not supported the prosecution version and turned hostile. The remaining 22 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

27.07.2022
Mangal Singh

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