

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

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**CRM-M-23379 of 2022
Date of Decision: 28.09.2022**

Paramjit Singh @ Pamma @ Baldev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deep Inder Walia, Advocate, for
Mr. Anmol Puri, Advocate,
for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.80 dated 18.04.2021, under Sections 302, 201 and 120-B IPC, registered at Police Station Sadar Samana, District Patiala.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 18.04.2021 and he has already faced incarceration for about 1½ years. He submitted that the investigation of the case has already been completed and thereafter even four prosecution witnesses including the complainant have been examined out of the cited witnesses and five witnesses have been given up by the prosecution. He further submitted that it is a case where the petitioner has been falsely implicated and he is not a habitual offender and is not involved in any other case and has clean antecedents. He further submitted that the entire prosecution

story is based on circumstantial evidence and last seen theory. Apart from the same, one extra-judicial statement is also made by one Jassa Singh. He further submitted that even as per the FIR itself, the petitioner and the deceased were drug addicts and as per the prosecution they had a fight with each other but there is no direct evidence and the entire story based upon circumstantial evidence. He further submitted that in view of the aforesaid facts and circumstances since the petitioner has already faced incarceration for about 1½ years and the complainant has already been examined in the present case therefore the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior DAG, Punjab has stated that so far as the custody of the present petitioner is concerned, the same is correct and it is also correct that the complainant and the other four prosecution witnesses have already been examined and five witnesses have been given up by the prosecution. He further submitted that the petitioner is not involved in any other case and the present case is based upon circumstantial evidence. However, he has opposed the grant of bail to the petitioner on the ground that it is a case where the petitioner who had fight with the deceased had killed him.

I have heard the learned counsel for the parties.

In the present case the petitioner is in custody for the last about 1½ years. The complainant has already been examined and the case is based upon circumstantial evidence and last seen theory. The petitioner is stated to be not involved in any other case. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice or he may influence any witness or may tamper with evidence.

Therefore, keeping in view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the

present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

September 28, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No