

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

211

CRM-M-22241-2020 (O&M)

Date of decision: 17.03.2022

AJAY KUMAR

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gourav Goel, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.17 dated 05.02.2020, under Sections 302 and 34 IPC, at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner along with his brother, namely, Vijay Kumar, has been nominated as accused in the present case and that the brother of the petitioner, being juvenile, was tried by the learned Principal Magistrate, Juvenile Justice Board, Fatehgarh Sahib, stands acquitted on 03.12.2021 by extending him the benefit of doubt. He further submits that, on 08.09.2021, Bhupinder Singh (complainant), while appearing as PW-1 before the trial Court, has not supported the prosecution version and turned hostile and that the petitioner has been in custody since 06.02.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, does not dispute the custody period of the petitioner as well as the factum of the complainant turning

hostile. He, however, submits that there are specific allegation against the petitioner, inasmuch as, he along with his brother, was tenant in the house of Jassar Tailor and that they both gave head injuries to Suvinder Kumar, who died during his treatment at Civil Hospital, Bassi Pathana. He further submits that there are total 24 prosecution witnesses, out of which 4 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.02.2020. Complainant, namely, Bhupinder Singh has not supported the prosecution version and turned hostile. Co-accused, namely, Vijay Kumar (brother of the petitioner) has already been acquitted by the learned Juvenile Justice Board. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.03.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No