

229

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25347 of 2022 (O&M)

Date of decision: 04.07.2022

Partap Singh @ Para

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.20 dated 22.02.2020, for offence punishable under Sections 365, 307, 397, 34 of the Indian Penal Code, 1860 (in short 'IPC') (Sections 379-B, 392 IPC added later) and Sections 25, 27 of the Arms Act, registered at Police Station Chattiwind, District Amritsar (Rural).

Counsel for the petitioner has argued that the new ground for filing this petition is that Daljit Singh – complainant, who is examined as PW-1, has not supported the prosecution version regarding the identity or involvement of the petitioner.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Daljit Singh, on 20.02.2020, he had gone to village Chaarpur for bringing his tractor-

trolley and on the way, one unknown car occupied by 04 persons stopped and the accused persons fired upon him with pistols and in the said incident, one bullet hit on his right leg. Thereafter, the accused persons took his tractor and by putting him in the car, they had taken him away to some unknown place where he was left. It is also submitted that during recording of the statement, the complainant has stated that he do not know the accused present in the Court and he has recorded his statement Ex.P-1 against unknown persons. This witness was declared hostile by the Public Prosecutor and in his cross-examination, he even denied the suggestion that the accused Partap Singh was one of the occupant, who had come in the car and snatched his tractor-trolley and even denied the identification memo prepared in the Police Station where the petitioner has identified Partap Singh.

Counsel for the petitioner has further argued that though the petitioner is involved in some other cases, however, he is on bail. It is also submitted that the petitioner is in custody since 08.05.2020 and since the complainant stands examined, there is no other witness to the incident and there is no possibility for the petitioner to tamper with the prosecution evidence as the remaining witnesses are the official witnesses.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 08.05.2020; the complainant turned hostile; the custodial interrogation of the

petitioner is not required; only official witnesses remain to be examined and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.07.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No