

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

107+209

(Through Video Conferencing)

CRM-M-29467-2021 (O&M)

Date of decision: 04.02.2022

Dilpreet Singh

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S. Randhawa, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. Public Prosecutor
for the respondent-U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-3394-2022

Prayer in the instant application is for placing on record the statements of prosecution witnesses (PW1 to PW6) as Annexures P-7 to P-12 respectively.

For the reasons mentioned in the application, the same is allowed and the statements of the prosecution witnesses (PW1 to PW6) are taken on record as Annexures P-7 to P-12, subject to all just exceptions.

CRM-M-29467-2021

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.05 dated 11.01.2020 Sections 307, 149, 148 and 147 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Sector 34, Chandigarh.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 23.04.2021 all the material witnesses including the injured witness had been examined, who did not support the case of the prosecution. Learned counsel has drawn the attention of this Court to the deposition annexed as Annexures P-7 to P-9 of all the material witnesses wherein it stands reflected that all these witnesses were declared hostile during trial. Learned counsel for the petitioner submits that in the circumstances it was evident that a false case had been planted upon the petitioner as he was neither named in the FIR in question nor attributed any specific role. A prayer has, therefore, been made for extending the concession of bail to the petitioner as he has now been in custody since 05.07.2020 and his further incarceration would serve no useful purpose as all the material witnesses stand examined.

Per contra, learned Additional Public Prosecutor, on instructions from Inspector Vijay, while opposing the prayer and submissions made by learned counsel for the petitioner, has not been able to controvert the factum of all the material witnesses including the injured witness turning hostile during trial. Learned Additional Public Prosecutor has conceded that the petitioner was not named in the FIR nor any specific role attributed to him therein, however, he submits that recovery of a vehicle which was used in the crime was effected at the behest of the petitioner. He submits that co-accused of the petitioner are part of a gang of criminals against whom a number of criminal cases have been registered. However, he has fairly submitted that the petitioner is not involved in any other criminal case as per instructions

received by him from Inspector Vijay.

I have heard learned counsel for the parties and perused the material placed on record including the deposition of all the material witnesses.

In the facts and circumstances as enumerated hereinabove, more-so, when the petitioner has been in custody since 05.07.2020 and is also not involved in any other case coupled with the fact that the trial would take considerable time to conclude as only 12 out of the 36 prosecution witnesses cited have been examined, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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