

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

**CRM-M-28490 of 2022
Date of Decision:- 05.12.2022**

Shambhu

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.147 dated 07.06.2020 registered under Sections 302, 452, 336, 506, 148, 149 of IPC and Section 25 of Arms Act, 1958 and Section 120-B, 212, 216, 449 of IPC and Section 21/29/54/59 of Arms Act, 1959 (added later on), Police Station Gate Hakima, Amritsar (Punjab).

The counsel for the petitioner has inter alia submitted that the petitioner was falsely implicated in the present case and is languishing behind the bars for last more than 2 years and 3 months and during trial the complainant Satpal father of deceased had not supported the case of prosecution as he failed to identify the petitioner and other accused persons at the time of his deposition, whose copy is Annexure P-3. The counsel for the petitioner further

submitted that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by prolonging the judicial custody of the petitioner.

The present petition is resisted by the State counsel, who has submitted that the FIR in this case was registered on the basis of statement of complainant-Satpal in which he clearly named the petitioner and one Chandan accompanied by four other unidentified persons who murdered his son Suraj. However, the State counsel has not disputed the fact that while appearing in the witness box, complainant Satpal failed to identify the assailants in the Court.

I have considered the submissions made by counsel for the parties.

As per the custody certificate furnished by the State counsel, the petitioner is behind the bars for last more than 2 years and 3 months. Admittedly, during trial the complainant while appearing in the witness box failed to support the case of the prosecution as he did not identify the petitioner and other accused persons in the Court. Still it will take considerable time for the trial to conclude as out of total 37 witnesses, the prosecution has examined 12 witnesses, as has been informed by the State counsel.

In light of the above, this Court is of the view that no fruitful purpose would be served by keeping the petitioner behind the bars. Thus without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released

on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

05.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

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