

CRM-M-33400-2022

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

CRM-M-33400-2022

Date of decision: 27.09.2022

Surjit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Geeta Rani, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed as withdrawn on 02.11.2021), the petitioner seeks regular bail in case FIR No.39 dated 31.03.2021, registered at Police Station Mullanpur Garibdass, District SAS Nagar (Mohali), under Section 304 IPC.

Status report dated 21.09.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division, Kharar-II, District SAS Nagar, filed in the Court today, is taken on record.

As per the prosecution version, Randhir Singh (since deceased) was in the habit of consuming liquor; that a quarrel took place between the deceased and the petitioner, and that the petitioner had given a spade blow on the head of the deceased.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that no such offence, as alleged in the FIR, had been committed by the petitioner, and that all three

CRM-M-33400-2022

material witnesses i.e. Simranjeet Kaur, Gurmeet Kaur (complainant) and Satwinder Kaur, daughter, mother and wife of the deceased, respectively, while appearing before the trial Court as PW 1 to PW 3, have not supported the prosecution version and have been declared hostile. The petitioner has been in custody since 24.08.2021.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had caused a head injury to the deceased.

I have heard the learned counsel for the parties.

As stated above, three material witnesses i.e. daughter, mother (complainant) and wife of the deceased have not supported the prosecution version and have been declared hostile. Remaining prosecution witnesses are yet to be examined. The petitioner has been in custody since 24.08.2021. 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.

27.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No