

CRM-M-37951-2021

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

CRM-M-37951-2021

Date of decision: 11.07.2022

Kashmira and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr.Avtar S. Khinda, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seeks regular bail in case FIR No.68 dated 06.09.2020, registered at Police Station Dhilwan, District Kapurthala, under Sections 307, 336, 323, 324, 452, 148, 149 and 120-B IPC, Sections 25 and 27 of the Arms Act, 1959 and Section 302 IPC (added subsequently).

Learned counsel for the petitioners contends that petitioner No.1-Kashmira was not named in the FIR and rather has been indicted on the disclosure statement of the co-accused; that though petitioner No.2-Sajan has been named in the FIR, yet no specific role has been attributed to him; that there are as many as 17 persons arraigned as accused in the present case and out of them, 12 accused have been arrested, 01 accused has already died and 04 accused have been declared proclaimed offenders, and that five material prosecution witnesses, including the complainant, while appearing before the trial Court as PW 1 to PW 5, have not supported the prosecution version and have been declared hostile. Learned counsel

CRM-M-37951-2021

further contends that the petitioners have been in custody since 11.09.2020 and 09.11.2020, respectively. On this premise, learned counsel prays that the petitioners be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioners, submits that the petitioners had actively participated in the crime. However, he does not dispute the fact that the complainant and four other material witnesses while appearing before the trial Court as PW 1 to PW 5, have turned hostile.

I have heard the learned counsel for the parties.

Petitioner No.1 has not been named in the FIR whereas petitioner No.2, though named in the FIR, has not been attributed any specific role. Out of 46 prosecution witnesses, 05 witnesses have been examined, but they not supported the prosecution version and have been declared hostile.

The petitioners have been in custody since 11.09.2020 and 09.11.2020, respectively. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioners 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 petitioners are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

11.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No