

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

**CRM-M-34752 of 2022
Date of Decision:- 23.11.2022**

Kulvir Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.0080 dated 12.12.2022 registered under Section 302, 34 IPC 1860, Police Station Block Majri, District SAS Nagar (Mohali).

The counsel for the petitioner has submitted the petitioner has been falsely implicated in this case and is in custody since last about 2 years. The counsel further submitted that as per the allegations made in the FIR, there was no eye-witness to the alleged occurrence. Subsequently, one Kulbir Singh son of Nagar Singh made

statement to the police that he witnessed the occurrence and at that time the present petitioner caused injuries to the deceased with the help of 'kirch' while co-accused Gurdeep Singh @ Gogi and Jasvir Singh gave fist blows to the deceased. The counsel for the petitioner further submitted that while appearing in the witness box said Kulbir Singh failed to support the case of prosecution and further on this very ground co-accused Gurdeep Singh @ Gogi and Jasvir Singh were granted regular bail vide orders dated 30.03.2022 and 25.05.2022, Annexure P-2 and P-3 respectively. The counsel for the petitioner further made prayer that petitioner be released on regular bail as it will take time for the trial to conclude.

The present petition is opposed by the State counsel who submitted that petitioner is the main accused who gave fatal blows of 'kirch' to the deceased as a result of which deceased Avtar Singh died.

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

The factual position regarding examination of PW5 Kulvir Singh and the fact that he has been declared hostile, is not denied by the State counsel. Further the State counsel has not disputed the fact that co-accused Gurdeep Singh @ Gogi and Jasvir Singh are enlarged on bail by this Court vide orders Annexures P-2 and P-3. As per the custody certificate the petitioner is behind the bars for last more than 1 year and 11 months and is having no

criminal history. It will take considerable time for the trial to conclude.

In light of the above, this Court is of the view that, no purpose is going to be served by keeping the petitioner in custody for any longer period. 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 furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

23.11.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No