

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

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CRM-M-34425-2022

Date of decision: 14.12.2022

SANDEEP KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. R.K. Girdhar, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL , J.(ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.148 dated 06.06.2020, registered at Police Station City Malout, District Sri Muktsar Sahib, under Sections 302 and 34 of IPC.

Status report by way of an affidavit dated 13/14.12.2022 of Deputy Superintendent of Police, Sub Division Malout, Sri Muktsar Sahib filed on behalf of respondent-State, is taken on record.

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR yet the fact remains that complainant Mohinder Singh, who is brother of the deceased while stepping into the witness box as PW1 failed to identify the petitioner. He submits that the complainant has identified the other two accused and qua petitioner he has been declared hostile. He further submits that the petitioner has been in custody since 09.06.2020 and there are 20 more prosecution witnesses who are yet to be examined.

On the other hand, learned State counsel, while opposing the aforesaid submissions of the learned counsel for the petitioner, contends that though the complainant Mohinder Singh who is brother of the deceased failed to identify the petitioner and has been turned hostile qua the petitioner but the fact remains that there are other prosecution witnesses who are yet to be examined. He does not dispute the fact that there is no other case against the petitioner.

I have heard the learned counsel for the parties.

In the present case, complainant has failed to identify the petitioner and has been declared hostile qua the petitioner, but identified the other two accused; the petitioner has been custody since 09.06.2020; 20 more prosecution are yet to be examined and there is no other case pending against the petitioner. In such circumstances, the 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.

14.12.2022

P.Bhatt

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No