

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36034-2022

Date of Decision: 14.9.2022

Harinder Singh @ Harry

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.124 dated 10.6.2020 registered for the offences punishable under Sections 302, 34 IPC at Police Station Sadar Sangrur, District Sangrur.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case and that he is in custody for the last more than 2 years and 3 months and is having no criminal history. He further submits that during the trial, complainant-Chamkaur Singh and his wife Sukhwinder Kaur were declared hostile and did not support the case of the prosecution.

Counsel for the petitioner further submits that in view of the matter, no purpose is going to be served by keeping the petitioner in custody for any longer period. Prayer is made for grant of regular bail to the petitioner.

Present petition is resisted by the State counsel who submitted

that the present petitioner and his parents namely Gurmeet Singh and

Balwinder Kaur committed the murder of Jagrup Singh father of said Gurmeet Singh and the matter was reported to the police by complainant-Chamkaur Singh who was son-in-law of said Jagrup Singh.

State counsel further submits that the trial is going on and as such, at this stage, no ground is made out to grant bail to the petitioner. In support of his contention, State counsel has also relied upon **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav**; 2004 (2) RCR (Criminal) 254.

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

Admittedly, the petitioner was not named in the FIR and his name surfaced only during the investigation of the case and consequently, he was arrested and as per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 2 years and 3 months and is not involved in any other criminal case.

From the perusal of the copies of the testimony of complainant-Chamkaur Singh and his wife Sukhwinder Kaur which are placed on record of connected CRM-M-44092-2021, it appears that both the said material witnesses have retracted from their previous statements and they had not supported the case of the prosecution. However, it will take time for conclusion of trial. In view of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

The case law referred to by the State counsel is distinguishable from the facts of the case in hand as in the instant case, material witnesses have not supported the prosecution version.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 14, 2022

Paritosh Kumar

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