

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

CRM-M-45615-2021 (O&M)
Date of Decision:-**14.10.2022**

KULJIT SINGH ALIAS SONI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Birinder Singh Khehar, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.55 dated 26.5.2021 registered under Sections 304/34 IPC at Police Station Kalanaur District Gurdaspur.

The FIR was registered on the basis of the statement of Harpinder Singh, in which he alleged that on 25.5.2021 at about 4:00 p.m. his brother Davinder Singh was taken away from his house by co-accused Harjit Singh and his wife Rajwant Kaur and thereafter said Davinder Singh never came back. After waiting for some time Harpinder Singh tried to

contact his brother Davinder Singh on his mobile phone and the call was received by the petitioner and he failed to disclose whereabouts of his brother Davinder Singh. At about midnight said Harpinder Singh tried to contact co-accused Harjit Singh, who disclosed that Davinder Singh has already left for his house. On the next morning, dead body of Davinder Singh was found lying near the tube-well of Mohinder Singh son of Narayan Singh resident of village Lopa.

The counsel for the petitioner submits that the petitioner just received telephonic call. The counsel for the petitioner further submits that the petitioner is behind the bars since last more than 1 year and 2 months and is having no criminal history and that during trial complainant-Harpinder Singh and other material witnesses namely Santokh Singh and Kirpal Singh have not supported the case of prosecution as is evident from their statements (Annexure P-5 to P-7). So prayer is made for grant of regular bail to the petitioner.

The instant petition is contested by the State counsel but has not refuted the fact that while appearing in the witness-box, the aforesaid witnesses have not supported the case of prosecution.

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

Admittedly, the petitioner just received telephonic call and the complainant Harpinder Singh and other material witnesses namely Santokh Singh and Kirpal Singh failed to support the case of prosecution and have been declared hostile. It will take considerable time for the trial to conclude, so no purpose is going to be served by keeping the accused behind the bars

for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

14.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No