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

CRM-M-41716-2022

Date of decision : 16.09.2022

Amandeep Singh @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.168 dated 30.09.2018 registered under Section 302 of the Indian Penal Code, 1860 at Police Station Machhiwara Sahib, District Khanna (Ludhiana).

Learned counsel for the petitioner has submitted that the petitioner is in custody since 30.09.2018 (3 years, 11 months and 15 days) and there are 16 prosecution witnesses, out of which, two witnesses have been examined, four witnesses have been given up and 10 witnesses are yet to be examined and thus, the conclusion of trial is likely to take time. It is further submitted that in the present case, there is no eye-witness and the same is based on circumstantial evidence. It is contended that even a perusal of FIR

would show that the complainant had implicated the present petitioner on the basis of suspicion. It is further contended that the complainant, in the present case, had died on 12.04.2022 without being examined and that the petitioner is not involved in any other case.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that in the present case, the petitioner is the sole accused and has placed on record the custody certificate of the petitioner, as per which, the custody period as stated by learned counsel for the petitioner stands reaffirmed.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 30.09.2018 (3 years, 11 months and 15 days) and out of 16 prosecution witnesses, only two witnesses have been examined, four witnesses have been given up and 10 witnesses are yet to be examined and thus, the conclusion of the trial is likely to take time. There is no eye-witness in the present case and the same is based on circumstantial evidence. A perusal of the FIR would also show that the petitioner has been implicated in the present case on the basis of suspicion. The complainant, in the present case, is stated to have died on 12.04.2022 without being examined. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, more so, the custody period of the petitioner, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate,

subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

16.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No