

233

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

CRM-M-52546-2022

Date of decision : 18.11.2022

Sewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rhythem Bajaj, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.139 dated 26.06.2021 registered under Sections 323, 341 of Indian Penal Code, 1860 (Section 302 of IPC has been added later on) at Police Station City-I, Abohar, District Fazilka.

Learned counsel for the petitioner has submitted that in the present case, FIR has been registered on the statement of Jaswinder Singh who is an eye-witness in the present case with respect to death of his son Harjinder Singh. It is further submitted that as per challan, there are two other eye-witnesses i.e. Pargat Singh and Amritpal Singh and the said three witnesses i.e. Jaswinder Singh-complainant, Pargat Singh and Amritpal Singh have been examined as PW1, PW2 and PW3 respectively and they

have specifically stated that the present petitioner was not the person who had caused the injury to the deceased, son of the complainant. It is contended that the other witnesses are either official witnesses or the Doctor. It is argued that the petitioner is in custody since 03.07.2021 and investigation is complete and challan has been presented and there are 18 prosecution witnesses, out of which, only three prosecution witnesses have been examined and thus, the conclusion of trial is likely to take time. It is further argued 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 as per the FIR which was registered on the statement of Jaswinder Singh, it was the present petitioner who had given one injury with the wooden log on the head of the deceased and it was on the basis of the said injury that the deceased had died. However, other facts as stated by the learned counsel for the petitioner have not been disputed by him.

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 03.07.2021 and investigation is complete and challan has been presented and out of 18 prosecution witnesses, only three prosecution witnesses have been examined and thus, the conclusion of trial is likely to take time. The petitioner is stated to be not involved in any other case. It is admitted case of the parties that there are three eye-witnesses in the present case as per prosecution version and the same are Jaswinder Singh-complainant, Pargat Singh and Amritpal Singh and all the said three witnesses have been

examined as PW1, PW2 and PW3 respectively and each one of the witnesses have specifically stated that the person who had given injury had a muffled face and that the present petitioner who was present in the Court was not the person who had given any injury on the head of the deceased.

Keeping in view the abovesaid facts and circumstances, 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.

18.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**