

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

248

CRM-M-57592-2022
Decided on :14.12.2022

Pawan Bosak

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the first bail application filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.210 dated 03.11.2020 registered under Section 302 of the Indian Penal Code, 1860 (Sections 120-B and 201 of IPC have been added later on) at Police Station Jodhewal, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 24.12.2020 and there are 23 prosecution witnesses, out of which, only three witnesses have been examined as yet and, thus, the conclusion of trial is likely to take time. It is contended that in the present case, FIR was registered against unknown persons on 03.11.2020 and on the basis of the disclosure statement of one Dalbara Singh @ Dilbagh Singh, co-accused Ashok Kumar and Azad Alam were implicated. It is further contended that the petitioner has been implicated on the basis of the statement of Jaswinder Singh which was recorded on 24.12.2020 to the effect that the present petitioner and the other co-

accused had come to him on 05.11.2020 and had confessed the crime. It is argued that the said Jaswinder Singh had been examined as a witness and he has not supported the case of the prosecution. It is further argued that the co-accused of the petitioner Azad Alam has been granted regular bail by this Court vide order dated 20.09.2022 passed in CRM-M-35877-2022 and the case of the petitioner is on higher a footing than the case of said Azad Alam. It is also argued that the petitioner had not been involved in any other FIR prior to registration of the present FIR and there is no eye-witness in the present case and the entire case is based on circumstantial evidence.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioner has been implicated on the basis of the statement of Jaswinder Singh which was recorded on 24.12.2020 before whom the petitioner alongwith other co-accused had confessed their crime.

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 24.12.2020 and the challan has also been presented and out of 23 prosecution witnesses, only three witnesses have been examined as yet and, thus, the conclusion of trial is likely to take time. The FIR had been registered against unknown persons. There is no eye-witness in the present case. The petitioner is sought to be implicated on the basis of the statement of Jaswinder Singh which was recorded on 24.12.2020 and was to the effect that the present petitioner alongwith other co-accused had come to

him on 05.11.2020 and made an extra judicial confession before him. The said Jaswinder Singh has been examined as PW1 and he has not supported the case of the prosecution and has rather stated that he never made any statement before the Police in connection with the present case. The petitioner is not involved in any other case and the co-accused of the petitioner namely Azad Alam has been granted the concession of bail by this Court vide order dated 20.09.2022 passed in CRM-M-35877-2022.

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.

(VIKAS BAHL)
JUDGE

14.12.2022
Mehak

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