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210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2043-2023

Date of Decision: 04.10.2023

Hardeep Singh @ Leela and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sumeet Pal Singh Sidhu, Advocate, and
Mr. Jasdeep Singh Gill, Advocate,
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.66 dated 31.05.2016, registered under Sections 302, 201 and 120-B of the Indian Penal Code, 1860, at Police Station SBS Nagar, District Ludhiana.

2. It is submitted by the learned counsel for the petitioners that the case against the petitioners is totally fake and concocted. The petitioners are not involved in the crime as alleged against them. The prosecution itself has been wavering in the allegation. In the first instance, it was projected as a case of dowry death. But ultimately, it has been converted into a case of honour killing on the basis of the alleged last seen evidence. However, even this version is not believable and even the complainant has not supported the case of the prosecution on that aspect; while appearing as a prosecution witness. The petitioners are in custody since 19.07.2021. Out of total 21

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witnesses, only 01 witness has been examined so far and even he has not supported the case of the prosecution. The petitioners are not required for any investigation purposes. Therefore, the petitioners deserve to be released on bail pending trial.

3. On the other hand, learned State counsel, being instructed by Inspector Madhu Bala, has submitted that the petitioners are involved in a heinous crime of killing the daughter of petitioner No.1. The petitioners were last seen with the deceased and this version is supported by the witness, who is to depose as to the evidence of last seen. However, it is not disputed that there have been multiple versions relating to the incident and that the sole witness examined so far has not fully supported the case of the prosecution. It is also not disputed that the petitioners are in custody since 19.07.2021 and only one witness has been examined so far by the prosecution.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

04.10.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No