

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

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**CRM-M-3508-2023 (O&M)
Date of decision: 28.03.2023**

Kamaljit Singh @ Kamaldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-13714-2023

At the outset, learned counsel for the applicant-petitioner submits that he does not want to press the present application.

Dismissed as not pressed.

Main case:

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.163 dated 06.11.2020, registered at Police Station Longowal, District Sangrur, under Sections 302, 460, 458, 109, 120-B and 34 IPC, the first one having being dismissed as withdrawn on 16.05.2022.

Status report by way of affidavit dated 28.03.2023 of the Deputy Superintendent of Police, Sub-Division Sunam, District Sangrur, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been indicted on the basis of statement of Baldev Singh, recorded under Section 161 Cr.P.C., who had allegedly recognised petitioner, the said Baldev Singh has been given up by the

prosecution agency; that there is no other prosecution witness, who has identified the petitioner; that all the material prosecution witnesses have been examined; that the petitioner has been in custody since 26.11.2020; that the petitioner is not involved in any other case and that similarly situated co-accused Sukhdeep Singh @ Deepa, has already been granted the concession of regular bail by a Coordinate Bench vide order dated 01.03.2023.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime. The petitioner was the Driver of the car used in the crime and was waiting for other accused outside the house, while they were committing crime. The petitioner was instrumental in facilitating the fleeing of the accused from the scene of crime. However, she does not dispute the custody period of the petitioner and that there is no other case against the petitioner. Baldev Singh, on whose statement the petitioner was indicted in the present case has been given up by the prosecution agency and submits that material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.11.2020. The petitioner was indicted in the present case, on the basis of statement of Baldev Singh recorded under Section 161 Cr.P.C. and now said Baldev Singh has been given up by the prosecution agency and there is no other prosecution witness, who has identified the petitioner. There is no other case against the petitioner. Remaining prosecution witnesses are yet to be examined. Co-accused Sukhdeep Singh @ Deepa, has been enlarged on bail. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

28.03.2023
Mangal Singh

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