

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4297 of 2023

Date of Decision: February 01, 2023

Mukesh Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner

Mr. Gurlal Singh Dhillon, AAG Punjab

Sudhir Mittal, J. (Oral)

This petition has been filed for grant of regular bail in case FIR No. 172 dated 09.07.2020 registered at Police Station B Division, District Amritsar under Section 302 IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody in excess of 2 ½ years. There are two eye witnesses to the incident and both have not supported the prosecution case. The trial is not likely to be concluded at an early date as only 3 PWs out of a total of 19 PWs have been examined till date. Thus, the petitioner may be granted regular bail.

Custody certificate dated 31.01.2023 checked by Sh. Surinder Singh, Superintendent of Central Jail, Amritsar has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 2 years, 6 months and 22 days and there is no other criminal case pending against him.

Learned State counsel concedes that the eye witnesses in this case have not supported the case of the prosecution. He also concedes that only 3 PWs have been examined as yet.

Keeping in view the fact that the eye witnesses have not supported the case of the prosecution as well as the period of custody undergone and that the trial is not likely to be concluded at an early date, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing stated hereinabove will be construed to be an opinion on the merits of the case.

February 01, 2023
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[SUDHIR MITTAL]
JUDGE

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