

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-8002-2023

Date of decision: 04.07.2023

Sukhjinder Singh alias Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.61 dated 30.09.2017 under Sections 307/34 of the IPC, Sections 25/27/30/54/59 of the Arms Act, 1959 and Section 61/1/14 of the Excise Act, 1914 registered at Police Station Sadiq, District Faridkot.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. He submits that a perusal of the allegations levelled in the FIR clearly reveal that the petitioner was not named therein and only one person out of the five accused were named and lateron identified by the complainant. Learned counsel has further submitted that the false implication of the petitioner in the occurrence in question finds credence from the fact that PW1 Harjinder Singh before whom the petitioner allegedly suffered an extra judicial confession qua his involvement in the occurrence in question, did not

support the case of the prosecution as a result of which he was declared hostile. Learned counsel submits that as far as the petitioner is concerned, PW1 Harjinder Singh, would be the sole material witness and since he stands examined, his further incarceration would serve no useful purpose, moreso when only 02 out of the 26 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that the petitioner was not named in the FIR in question, however, he submits that the petitioner had suffered an extra judicial confession before PW1 Harjinder Singh qua his involvement in the crime in question, who apparently had been won over during trial. It has also been submitted by the learned State counsel that after the vehicle of the accused collided with that of the complainant, there was a verbal altercation between the parties and soon thereafter one of the accused namely Bony fired from his pistol towards the complainant party as a result of which one of the tyres of their vehicle burst.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has now been in custody since 11.11.2021 and as many as 24 prosecution witnesses remain to be examined. The sole material witness, as far as the petitioner is concerned i.e. PW1 Harjinder Singh (witness of extra judicial confession) has since been examined and as already observed hereinabove has not supported the case of the prosecution. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to

the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No