

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-11217-2023

Date of decision: 22.03.2023

Surjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.35 dated 28.04.2022 under Sections 302, 148 and 149 of the IPC (Section 120-B of the IPC added lateron) registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the FIR in question is evident from the fact that all the material witnesses including the complainant and eye witness while stepping into the witness box failed to support the case of the prosecution as a result of which they were declared hostile. Learned counsel in support of his submissions has drawn the attention of this Court to Annexures P-2 and P-3 which are the testimonies of the complainant as well as the alleged eye witness.

Learned counsel submits that even otherwise the only role attributed to the petitioner in the crime in question was a blow with a *dang* on the leg and knee of the deceased. Learned counsel thus submits that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as 19 prosecution witnesses out of the 23 cited still remain to be examined. He submits that the petitioner has now been in custody since 28.04.2022 and is not involved in any other criminal case much less a case of similar nature. It has also been submitted that similarly situated co-accused Bohar Singh has since been extended the concession of bail by this Court vide order dated 20.03.2023.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions, has not been able to controvert the role attributed to the petitioner in the crime in question and still further that all the material witnesses failed to support the case of the prosecution during trial as a result of which they were declared hostile.

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

The petitioner has been in custody since 28.04.2022 and as many as 19 prosecution witnesses remain to be examined, hence the trial will take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

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.

22.03.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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