

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-12486-2023 (O&M)
Date of decision: 26.05.2023

Sukhwant Singh alias Bhola

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.S. Brar, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition (the first one having been dismissed on 25.01.2022), the petitioner seeks regular bail in case bearing FIR No.159 dated 08.09.2019, registered at Police Station City Kotkapura, District Faridkot, under Sections 302, 307, 120-B and 34 IPC and Section 25 of the Arms Act, 1959.

Status report by way of affidavit dated 25.05.2023 of the Deputy Superintendent of Police, Sub-Division Kotkapura, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, he was indicted and arrested in the present case vide DDR dated 10.09.2019 i.e. after two days of the registration of the FIR; that the petitioner has been in custody since 10.09.2019; that no firearm injury has been attributed to the petitioner; that complainant-Vinod Kumar (PW-7) has stated in his statement before the learned trial Court that the petitioner is not the person who fired shots at *Jaago* ceremony, resulting into death of his

grandson-Lovepreet Singh and injuries to Ankush Arora; that eye-witness Sukhpreet Singh @ Sukha (PW-8) has also stated before the learned trial Court that the petitioner was not present at the place of occurrence and even he has not identified the petitioner; that the cross case registered on the complaint of Satish Kumar has also been cancelled; that the recovery has already been effected in the present case; that out of 33 prosecution witnesses, only 17 have been examined so far and that there is no other registered or pending case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the earlier bail petition was dismissed on merits; that the petitioner has actively participated in the occurrence; that though the petitioner was not named in the FIR, yet the allegations are that he along with other co-accused, have committed the murder of Lovepreet Singh; that two pistols along with two magazines and 12 cartridges of 32 bore have been recovered on the demarcation of the petitioner and that the some material witnesses are yet to be examined. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.09.2019 i.e. for the last more than 03 years and 08 months. The petitioner was not named in the FIR, he was indicted in the present case after two days of registration of the FIR. The recovery has already been effected. The complainant (PW-7) and eye-witness (PW-8) while appearing before the trial Court as prosecution witnesses, have not supported the prosecution version. Remaining 16 prosecution witnesses are yet to be examined.

Therefore, the conclusion of the trial would take time. Moreover, there is no other registered or pending case against the petitioner. 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

26.05.2023
Mangal Singh

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