

CRM-M-12421-2023 (O&M)
Date of decision-30.11.2023

Sandeep Singh @ Bhalla

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurvinder Singh Sandhu, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

MANJARI NEHRU KAUL , J. (Oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.005 dated 12.01.2022 under Sections 302, 427, 148, 149, 120-B of Indian Penal Code, 1860 and Section 25, 27 of Arms Act, 1959, registered at Police Station Nathana, Bathinda, Punjab.
2. On the last date of hearing, it had been submitted by the learned counsel for the petitioner that he had been nominated as an accused on a statement made by Charanjit Singh under Section 161 of the Cr.P.C., wherein he has stated that the petitioner was one of the conspirators to the crime, however, while stepping into the witness box, said Charanjit Singh had been declared hostile.
3. Learned State counsel, on instructions from Inspector Sandeep Singh, has not disputed the submissions made by the counsel opposite. She on further instructions has informed the Court that during trial, all the three material witnesses i.e. Gursach Singh, Harmail Singh and Charanjit Singh had been declared hostile and they had not supported the case of the prosecution.

4. Learned counsel for the petitioner has reiterated that when the crime in question i.e. the murders of Manpreet Singh Challa and Manpreet Singh Vicky were committed, he was in custody in another criminal case, neither the weapon of offence was provided to the co-accused by the petitioner nor did he have any motive to carry out the crime in question, even as per the case of the prosecution. Learned counsel has thus, submitted that it was evident that the petitioner had been falsely implicated in the case in hand. It has been submitted that the petitioner has now been in custody since 19.07.2021 and as on date, only three material witnesses out of total 16 witnesses stand examined, hence the possibility of the trial concluding in the near future is remote.
5. Per contra, learned State counsel on instructions as already observed hereinabove has not disputed the submissions made by the counsel opposite.
6. I have heard learned counsel for the parties and perused the material placed on record.
7. In the facts and circumstances as enumerated hereinabove, 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.

(MANJARI NEHRU KAUL)
JUDGE

30.11.2023

geeta

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