

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-13156-2023

Date of decision: 22.03.2023

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S. Maini, 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.0035 dated 28.04.2022 under Sections 302, 149 and 148 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-3 and P-4 which are the testimonies of the complainant as well as the alleged eye witness.

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 29.04.2022. It has also been submitted that 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 dispute that all the material witnesses while stepping into the witness box failed to support the case of the prosecution during trial as a result of which they were declared hostile. However, learned State counsel on instructions submits that the fatal blow on the person of the deceased with a baseball bat has been attributed to the petitioner.

On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case much less a case of similar nature, he on instructions has apprised the Court in the negative.

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

The petitioner has been in custody since 29.04.2022 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

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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