

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

227

CRM-M-13828-2023 (O&M)

Date of Decision: 18.07.2023

JAGJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tarundeep Kumar, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this third petition, the petitioner seeks regular bail in case bearing FIR No.66 dated 23.05.2019, registered at Police Station Koom Kalan, District Police Commissionerate Ludhiana, under Sections 302 and 34 IPC, the earlier two petitions were dismissed as withdrawn on 04.10.2021 and 22.11.2022, respectively),

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR; that the petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Nisha; that the petitioner has been in custody since 27.05.2019; that two witnesses i.e. one before whom the extra judicial confession was allegedly made and another who had seen the petitioner while talking with the co-accused, while appearing before the learned trial Court, have not supported the prosecution version and turned hostile and that out of 23 prosecution witnesses, 09 witnesses have been examined. He further submits that Maya Devi (mother of deceased,

namely, Vakil Chand), while appearing before the learned trial Court, has not raised any allegation against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is the paramour of Nisha, who both have connived with each other and committed murder of Vakil Chand (husband of Nisha). He further submits that most of the prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Maya Devi (mother of deceased, namely, Vakil Chand) has not raised any allegation against the petitioner. Two witnesses have turned hostile. The petitioner has been in custody since 27.05.2019. The petitioner was not named in the FIR and was indicted on the basis of the disclosure statement of Nisha. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.07.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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