

2023:PHHC:074121

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.105+215

CRM-22522-2023 in/and
CRM-M-15661-2023 (O&M)
Date of decision : 22.05.2023

Kuldeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

CRM-22522-2023

Allowed as prayed for.

Annexures A-1 & A-2 are taken on record.

CRM-M-15661-2023

This petition has been filed for grant of regular bail in case FIR No.212 dated 16.12.2019, registered at Police Station Mehatpur, District Jalandhar Rural, under Sections 302, 148, 149 & 323 IPC.

Learned counsel for the petitioner submits that the only allegation in the FIR against the petitioner is that he was also present at the time of the incident. The eye-witness, namely, Mahant Nirmal Dass on whose statement the FIR was registered has refused to recognize the accused persons including the petitioner in Court. The petitioner has been in custody for more than 09 months and there is no other criminal case pending/decided against him. The trial is not likely to be concluded at an

early date as only 03 PWs have been examined out of a total of 27 PWs. Thus, the petitioner may be granted regular bail.

Custody certificate dated 21.05.2023 checked by Sh. Hemant Sharma, Addl. Superintendent, Central Jail, Kapurthala has been submitted in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 09 months and 19 days and there is no other criminal case pending/decided against him.

Learned State counsel on instructions from ASI-Jaswinder Singh concedes that only 03 PWs out of a total of 27 PWs have been examined till date.

A perusal of the FIR shows that only allegation against the petitioner is of being present at the spot. Statement of Mahant Nirmal Dass (Annexure P2) shows that he has failed to recognize any of the accused in Court.

Keeping these facts in view alongwith the fact that the trial is not likely to be concluded at an early date and there is no other criminal case pending/decided against the petitioner, I deem it appropriate to grant regular bail to the petitioner. The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

22.05.2023
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes
No