

HARDEEP SINGH ALIAS HAPPY
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Aggarwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 32 dated 16.05.2019 under Sections 363, 366, 302, 376, 201 IPC, registered at Police Station Bakshiwal, District Patiala.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that the deceased and the petitioner were in relationship. The deceased had allegedly died on account of drowning in Bhakra canal. The case of the prosecution hinges upon the circumstantial evidence. The petitioner has been nominated in the instant case on the basis of the statement of Harwinder Singh, before whom the petitioner had allegedly made extra-judicial confession. There is no other incriminating evidence against the petitioner. During the course of trial, Harvinder Singh has been examined as PW3 but he has not supported the prosecution version. The custody certificate indicates that the petitioner is in custody for a period of 3 years, 8 months and 12 days and not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are serious allegations of commission of murder levelled against the petitioner and out of 31, only 15 witnesses have been examined.

At the earlier instance, the learned State counsel had sought adjournment as the report on DNA analysis had not been received.

Learned State counsel, on instructions from ASI Raj Kapoor, has also submitted that in the instant case, there is no report on the DNA analysis as no such samples were ever taken.

The case of the prosecution hinges upon circumstantial evidence. The person before whom the petitioner had allegedly made extra-judicial confession, has not supported the prosecution version. The recoveries from the petitioner have already been effected. He is in custody for a period of 3 years, 8 months and 12 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.02.2023

Janki

(VIVEK PURI)
JUDGE

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