

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-17191-2023 (O&M)

Date of Decision: 16.08.2023

Jagjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ranjit Singh Sidhu, Advocate, for
Ms. Amrinder Kaur, Advocate, for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Hitesh Verma, Advocate
for respondent No.2-complainant.

VIKAS SURI, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.11 dated 19.02.2023, under Sections 336, 307 of IPC and Sections 25 & 27 of Arms Act, registered at Police Station Lakhewali, District Sri Muktsar Sahib.

2. Upon notice to the State, learned State counsel has filed status report by way of affidavit dated 17.07.2023 of Balkar Singh, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib on behalf of respondent No.1-State along with custody certificate of the petitioner. The same are taken on record. A copy thereof has been furnished to learned counsel for the petitioner.

3. Learned counsel for the petitioner argues that the petitioner is in judicial custody since 20.02.2023. The investigation has been completed,

final report under Section 173 Cr.P.C. stands filed and charges were framed against the petitioner and the trial is underway. It is further submitted that out of total 20 prosecution witnesses cited, only 04 have been examined till date, which include injured-Harmailjot Singh-respondent No.2 and 03 eye-witnesses. The said eye-witnesses include Navjot Singh, who had taken the injured to the hospital and Bahadur Singh in whose house the function was taking place when the alleged occurrence took place, have resiled from their statements made to police and turned hostile. It is further submitted that the remaining 16 witnesses are official witnesses.

4. Learned counsel for the petitioner would also submit that the private parties have compromised the matter and the same has been reduced into writing dated 30.03.2023 (Annexure P-2). On the basis of said compromise, private parties have also approached this Court seeking quashing of above captioned FIR by way of CRM-M-17755-2023, which is pending for 07.11.2023. He, thus, submits that the petitioner be granted the concession of regular bail.

5. Learned State counsel has opposed the petition by stating that the offences alleged against the petitioner are serious in nature and the reckless action of the petitioner could have resulted in death of the injured. He, on instructions from ASI Satish Kumar, Police Station Lakhewali, submits that no other eye-witness remains to be examined and the four already examined have not supported the case of the prosecution and were declared hostile as such. The factual aspects with regard to stage of trial and examination of 04 prosecution witnesses out of 20 cited are also not refuted in the light of para No.4 of the status report.

6. Keeping in view the above and the fact that the victim as well as eye-witnesses have not supported the case of the prosecution and turned

hostile, the trial is not likely to conclude in the near future as 16 prosecution witnesses remain to be examined and the private parties have effected a compromise (Annexure P-2) and they have also sought quashing of the FIR in question, no useful purpose would be served by keeping the petitioner behind the bars. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

7. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

August 16, 2023

Harish

(VIKAS SURI)
JUDGE

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