

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18434-2023

Date of decision : 22.05.2023

Manpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Gopal Singh Nahel, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

1. This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.103 dated 01.05.2020 registered under Sections 302, 34, 120-B IPC at Police Station Bhawanigarh, District Sangrur.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.05.2020 and the investigation is complete and the challan has already been presented and there are 23 witnesses, out of which, 6 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that previous bail application of the petitioner was dismissed as withdrawn on 29.07.2022 at that stage and a direction had been given to the trial Court to expedite the matter and to examine the eye-witnesses as expeditiously as possible. It is stated that in pursuance to the above direction, the complainant Parminder Singh who as

examined as PW-2 and PW-3 and both the said witnesses have not supported the case of the prosecution and have turned hostile. It is further stated that Parminder Singh PW-2 has submitted that he had not seen the occurrence whereas PW-3 Dharminder Singh has stated that the accused persons including the present petitioner were not the persons who had caused injury to deceased Varinder Singh and injuries were caused by 4-5 unidentified persons. It is submitted that inspite of lapse of more than 9 months and as many as seven dates, third witness Balwinder Singh has not appeared in the Court and it has been prayed that keeping in view the custody of the petitioner, which is more than 3 years, and also the fact that the petitioner is not involved in any other case, he be released on regular bail.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the FIR, the petitioner is the main accused and is the person, who had given sword injury in the stomach of Varinder Singh. It is submitted that as per the case of the prosecution, the petitioner has illicit relationship with the wife of Lakhvir Singh which was being opposed by the deceased Varinder Singh and thus, the petitioner along with other persons had committed the said offence. It is stated that in the present case dying declaration has also been made by the deceased, who had implicated the present petitioner in the present occurrence, which has been recorded in a video.

4. This Court has heard learned counsel for the parties and has perused the paper book.

5. Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 02.05.2020 and

thus, the trial is likely to take time and also the fact that two eye witnesses, i.e. PW-2 Parminder Singh (complainant) and PW-3 Dharminder Singh have not supported the case of the prosecution and PW-3 Dharminder Singh in his statement has stated that the accused persons including the present petitioner were not the persons, who had caused injury to Varinder Singh and the same was caused by 4-5 unidentified persons and even the complainant PW-2 Parminder Singh has stated that he had not seen the occurrence and thus, he is not an eye-witness and also the fact that the petitioner is not involved in any other case and inspite of more than 7 dates and also inspite of the order dated 29.07.2022 passed by this Court in the first bail application of the petitioner, the third eye-witness Balwinder Singh has not been produced for evidence, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

6. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 22, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No