

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.213

CRM-M-21431-2022 (O&M)

Date of decision: 01.03.2023

Sukhdeep Singh @ Deepa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.163 dated 06.11.2020 registered under Sections 302, 460, 458, 109, 120-B and 34 IPC at Police Station Longowal, District Sangrur.

The petitioner, alongwith his co-accused, is being prosecuted for the murder of Satvir Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; the petitioner is in custody since 12.11.2020; the petitioner has not been named in the FIR; the complainant while appearing before the trial court as a witness for the prosecution has not raised any accusation against the petitioner; as per the case set up by the prosecution it was Baldev Singh who had allegedly recognized the petitioner to be one of the assailants but the said Baldev Singh has been given up by the prosecution; there is no other witness of the prosecution who has identified the petitioner; the axe allegedly recovered from the petitioner was not blood stained; there is also no forensic evidence to link the petitioner with the crime he is accused of; all material witnesses in the petitioner's trial have already been examined and that since in the petitioner's trial 28 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner, alongwith his co-accused, hacked to death Satvir Singh.

The petitioner is in custody since 12.11.2020; the complainant while appearing before the trial court as a witness for the prosecution has not raised any accusation against the petitioner; Baldev Singh who had allegedly recognized the petitioner to be one of the assailants has been given up by the prosecution; there is no other witness of the prosecution who has identified the petitioner; there is also no forensic evidence to link the petitioner with the crime he is accused of; all material witnesses in the petitioner's trial have already been examined and that since in the petitioner's trial 28 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sangrur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 01, 2023

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No