

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-21704-2023

Date of decision: 24.07.2023

Salman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohit Garg, Advocate for the petitioner.

Mr. Harsimran Singh Sitta, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.191 dated 04.06.2021 under Section 302 of the Indian Penal Code, 1860 registered at Police Station Dera Bassi, District Mohali.

2. Learned counsel for the petitioner submits that it was a case of blind murder committed just outside the house where both the deceased along with his brother i.e. the petitioner was residing. It has been submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement made by one Sahib Singh who stated that he had overheard some persons talking that the murder of Mohd. Rizwan (since deceased) had been committed by the petitioner. Learned counsel has submitted that other than this statement made by Sahib Singh, there was no other material collected by the prosecution to link the petitioner with the murder of his brother. He further submits that Sahib Singh while stepping into the witness box as PW3 had not supported the case of the prosecution and had categorically stated during his examination-in-chief that he had never made any statement before the police much less of having inculpated the petitioner in the

crime in question. In support, learned counsel has drawn the attention of this Court to the testimony of Sahib Singh as PW3, wherein it stands reflected that he had been declared hostile by the prosecution. Learned counsel thus submits that in the aforementioned facts and circumstances, moreso, as the petitioner has now been in custody since 05.06.2021 and 11 prosecution witnesses still remain to be examined, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not been able to dispute that the sole material witness in the case in hand was PW3 Sahib Singh, who had since been declared hostile, by the Trial Court.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 05.06.2021. The trial is unlikely to conclude in the near future as 11 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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