

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

103+203

CRM-M-27726-2021 (O&M)

Date of decision: 17.02.2023

Gurvinder Singh @ Guri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33105-2022 and CRM-864-2023

For the reasons mentioned in the applications, the same are allowed and photocopies of the documents mentioned therein are taken on record as Annexures P-6 to P-12 subject to all just exceptions.

CRM-M-27726-2021

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.119 dated 02.06.2020 lodged under Sections 392 and 397 of the IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 120-B of the IPC added lateron) registered at Police Station Samana, District Patiala.

At the outset, learned counsel appearing for the petitioner has submitted that the false implication of the petitioner in the crime in question finds credence from the fact that out of the 04 prosecution witnesses examined, 02 material witnesses while stepping into the witness box failed to support the case of the prosecution as a result of which they were declared hostile. In support, he has drawn the attention

of this Court to Annexures P-11 and P-12 which are copies of statements of both the material witnesses including the complainant. He further submits that even otherwise the petitioner was neither named in the FIR in question nor any overt act attributed to him. He submits that it was a matter of record that the petitioner was already lodged in Central Jail, Ambala on the date of alleged occurrence.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite, has not been able to dispute that the petitioner was not named in the FIR in question and he came to be nominated as an accused pursuant to the disclosure statement made by co-accused Gurpreet Singh who allegedly robbed the complainant of his car and fired at him on 02.06.2020. Learned State counsel has also conceded on instructions that both the material witnesses including the complainant while stepping into the witness box did not support the case of the prosecution, much less depose anything incriminating against the petitioner, as a result of which they were declared hostile.

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

The petitioner has been in custody since 08.06.2020 and 24 prosecution witnesses out of the 28 cited remain to be examined, hence, the trial shall take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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.

17.02.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No