

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-25705-2023

Date of decision: 27.07.2023

Jagroop Singh @ Jupa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vaibhav Narang, 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.0015 dated 06.02.2022 under Sections 307, 459, 506 and 427 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sirhali, District Tarn Taran.

2. Learned counsel appearing for the petitioner submits that totally false allegations have been levelled against the petitioner of having fired at the injured complainant with a pistol as a result of which she received fire arm injury on her left shoulder. He submits that while stepping into the witness box as PW1 the injured complainant did not support the case of the prosecution and had also given her duly sworn affidavit that she had not sustained any injuries at the hands of the petitioner. Learned counsel submits that the petitioner has now been in custody for almost a year having been arrested on 31.07.2022 and since the sole material witness i.e. the injured complainant stands examined

and who as already submitted has turned hostile, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, has not been able to dispute that the material witness i.e. the injured complainant had not supported the case of the prosecution during trial. He has further apprised the court that as many as 18 prosecution witnesses remain to be examined and the next date fixed before the Trial Court is 04.08.2023.

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

5. The petitioner has now been in custody since 31.07.2022. The injured complainant while stepping into the witness box did not support the case of the prosecution. The trial is unlikely to conclude in the near future as 18 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.

27.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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