

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRM-M-33883-2021
DECIDED ON: 14st FEBRUARY, 2023

GURPARTAP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nakul Sharma, Advocate for
 Mr. K.S. Brar, Advocate
 for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 26, dated 12.05.2021, under Sections 392 and 397 IPC and Sections 25 and 27 of Arms Act (Sections 392 and 397 IPC deleted later on and Sections 409, 328, 182, 195, 199 and 120-B IPC enhanced later on), registered at Police Station Amir Khas, District Fazilka.

Learned counsel appearing for the petitioner contends that the petitioner is working as Assistant Manager and has been arrayed in the list of accused merely on the basis of statement made by one Ashok Kumar-Ex Sarpanch of Village Parbhat Singh Wala. He has drawn attention of this Court to the testimony of PW-2/Ashok Kumar, wherein, he has categorically stated

that he never got recorded any statement before the police and has denied the fact with regard to showing him any CCTV footage by Inspector Balvir Singh.

A perusal of the deposition of Ashok Kumar makes it evident that the said witness has turned hostile and there is strong probability of acquittal of the accused in the present case.

Custody certificate of the petitioner filed by the counsel for the State is taken on record. According to which the petitioner has undergone incarceration for a period of 1 year 9 months and 2 days and admittedly, he is not involved in any other case.

Considering the custody period undergone by the petitioner and the fact that PW-2-Ashok Kumar has turned hostile added with the facts that challan stands presented and conclusion of trial shall take sufficient long time, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on regular bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

14st FEBRUARY, 2023

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>