

2023:PHHC:107647

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

225CRM-M-32807-2023 (O&M)
Date of decision: 18.08.2023

Harideep Kumar...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. R.P. Dhir, Advocate for the petitioner.
Mr. Digvijay Nagpal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
19	28.02.2021	Mahilpur, District Hoshiarpur	302, 307, 324, 326 and 452 IPC

VIKAS SURI, J.
CRM-34375-2023

This is an application for placing on record statement of PW-3 and PW-4 as Annexure P-5 and P-6 respectively.

Notice of the application.

Mr. Digvijay Nagpal, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

For the reasons mentioned in the application, the same is allowed. Annexure P-5 and P-6 are taken on record, subject to all just exceptions.

Main Case

1. The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in the above-captioned case.

2. Learned counsel for the petitioner contends that the star witness of the prosecution i.e. complainant Som Sandhu and material witnesses, namely, Bishan Pal, Dharminder Singh and Darshana Devi have not supported the prosecution version and turned hostile. He further submits that out of total 27 prosecution witnesses cited, only 04 witnesses have been examined so far. The petitioner is in custody since 28.02.2021.

3. On the other hand, learned State counsel is unable to controvert the above factual aspect of the matter, however, he states that the petitioner is involved in another FIR, therefore, the present bail petition deserves to be dismissed.

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

5. A perusal of the statements placed on record by learned counsel for the petitioner in the form of Annexure P-3 to P-6, goes to show that the complainant at whose instance the FIR in question has been registered as well as other eye witnesses have not supported the prosecution case. As informed by learned State counsel, the witnesses that remain to be examined are official witnesses. Considering the fact that the petitioner is in custody for more than 2 ½ years and out of total 27 prosecution witnesses, only 04 prosecution witnesses have been examined so far, this Court is of the view that no useful purpose would be served by keeping the petitioner under further incarceration. Therefore, without adverting on to the merits of the instant case, the present petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

6. It is, however, made clear that the petitioner shall not influence the trial in any manner directly or indirectly.

7. The observations made hereinabove shall not be construed as an expression on the merits of the case.

August 18, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes /No
Whether Reportable :	Yes /No