

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

229

2023:PHHC:088088

CRM-M-32617-2023

Date of decision: July 14th, 2023

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.63 dated 18.07.2019 lodged under Sections 302 of the Indian Penal Code, 1860 at Police Station Kheri Gandian, Tehsil Rajpura, District Patiala.

Learned counsel for the petitioner submits that after the dismissal of the previous petition on 17.12.2020, as many as ten prosecution witnesses including the complainant had been examined. He submits that the complainant, who was the sole material witness and who had stated that there had been a quarrel between the petitioner and his father i.e. the deceased just a few hours before the latter was found dead, while stepping into the witness box had not supported the case of the prosecution, as a result of which he was declared hostile. In support, learned counsel has drawn the attention of this Court to the deposition of complainant-Karnail Singh, which has been annexed as Annexure P-7.

Learned State counsel, while opposing the prayer and submissions made by counsel opposite, submits that it is a case resting on circumstantial evidence. Just prior to the deceased being found dead with injuries on his person, it was the complainant, who had seen both the deceased as well as the petitioner quarrel with each other in an inebriated condition. Learned State counsel has, however, not been able to controvert that Karnail Singh-complainant, who was the sole material witness, had not supported the case of the prosecution during trial, as a result of which he was declared hostile. He has also not disputed that all the material witnesses stand examined and 12 prosecution witnesses still remain to be examined.

The petitioner is in custody since 10.10.2019 and in the facts and circumstances as enumerated hereinabove, his further incarceration would serve no useful purpose as the trial was unlikely to conclude in the near future. The instant petition is allowed and 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.

July 14th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No