

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35003-2022
Date of Decision:26.07.2023

Deepak alias Kuldeep Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. A.S.Barnala, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 read with Section 482 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.167 dated 01.12.2020 registered under Sections 307, 201 IPC, at Police Station Barnala, District Barnala.

The FIR in the present case was registered on the basis of the statement made by Krishna Devi wife of Sukhwinder Singh. As per the complainant, she was residing with Kuldeep Singh, present petitioner as husband and wife for the last 8/9 years. At about 4/5 pm on 01.12.2020, Kuldeep Singh took out a sharp knife and attacked on her with intention to kill her. She raised her hands to protect herself and the knife hit on the right hand fingers and also hit on her left hand. Kuldeep Singh held her with her hairs and caused injuries on the neck also with an intention to kill her. After causing injuries, Kuldeep Singh ran away from the spot alongwith the weapon by

presuming her to be dead. With these broad allegations, the FIR in the present case was registered against the present petitioner.

Learned counsel for the petitioner contends that he has been falsely involved in the present case by the police. In fact, he was arrested in the present case on 01.12.2020 and is in custody for the last more than 02 years and 07 months. The charges were framed against the petitioner in the present case and only 5 witnesses, out of total 19 witnesses, have been examined. Even the complainant has already appeared as a witness before the trial Court and she has supported the version of the prosecution. Since the material witness has already been examined, there are no chances of influencing her and other witnesses. He further contends that there is no other case against the present petitioner. Thus, the conclusion of the trial will take quite a long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that he is the main accused and may tamper with the prosecution evidence.

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

It is not in dispute that the petitioner is in custody for the last more than 02 years and 07 months and the main witness i.e. injured Krishna Devi has already been examined by the prosecution. Still further, the petitioner cannot be ordered to be incarcerated in perpetuity and his further custody would be violative of Article 21 of the Constitution of India.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

26.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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