

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

220

2023:PHHC:161246

CRM-M-34881-2023

Date of decision: December 15th, 2023

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, Assistant Advocate General,
Punjab.

Mr. Arun Abrol, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.118 dated 21.05.2023 under Section 307 of the IPC registered at Police Station Sadar, Mansa.

2. Learned counsel for the petitioner, *inter alia*, contends that the false implication of the petitioner in the FIR in question finds credence from the fact that while stepping into the witness box, the complainant, who received injuries in the occurrence in question as well as his son, who was an eyewitness to the crime, did not support the case of the prosecution, as a result of which they were declared hostile. Learned counsel submits that in the aforementioned circumstances, further incarceration of the petitioner would serve no useful purpose as 15 prosecution witnesses still remain to be examined, coupled with the fact that the petitioner has now been in custody since 22.05.2023.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has not been able to controvert the submissions made by the counsel for the petitioner qua both the material witnesses turning turtle during trial and having been declared hostile. It has, however, been submitted that the next date fixed before the trial Court is 24.12.2023 when some more witnesses are likely to be examined.

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

5. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future; further incarceration of the petitioner would serve no useful purpose, more so since the material witnesses stand examined and furthermore, there could be no possibility of the petitioner trying to tamper with evidence/influence the witnesses to depose in his favour. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

6. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 15th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No