

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

214

2023:PHHC:137404

CRM-M-36148-2023

Date of decision: October 20th, 2023

Bhupinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

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.41 dated 01.03.2023 under Sections 408 and 120-B of the IPC (Sections 420, 467, 468, 471, 212 IPC added later on) registered at Police Station Division No.6, District Ludhiana.

2. Learned counsel for the petitioner submits that his false implication in the case in hand is evident from the fact that while stepping into the witness box, PW-1 the complainant, had not supported the case of the prosecution, as a result of which he was declared hostile. In support, learned counsel for the petitioner has placed on record the deposition of PW-1 Komal Krishan (complainant), wherein the factum of he having been declared hostile stands reflected. Learned counsel submits that in the facts and circumstances, further incarceration of the petitioner would serve no useful purpose as he has been in custody since 31.03.2023 and as many as 23 witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the complainant had not supported the case of the prosecution and had thus been declared hostile during trial. However, he submits that though the petitioner was not named in the FIR in question, he had facilitated the escape of the main accused Harminder Singh.

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, coupled with the fact that the trial is unlikely to conclude in the near future as 23 witnesses still remain to be examined, the instant petition is allowed. 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.

October 20th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No