

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**CRM-M No. 53958 of 2022****Date of decision : October 06, 2023****Sukhwant Singh alias Sukha alias Sukhpal Singh alias Nikka****..... Petitioner****Versus****State of Punjab and another****..... Respondents****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present:- Mr. K. S. Brar, Advocate
for the petitioner.

Mr. Amit Rana, Senior DAG., Punjab.

Manjari Nehru Kaul, J (oral).

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 223 dated 29.09.2020 under Sections 307, 323, 324, 325, 341, 506, 148, 149 of the IPC registered at Police Station Kartarpur, District Jalandhar,

2. Learned counsel for the petitioner at the outset submits that the petitioner deserves the concession of bail merely on account of his long incarceration which is almost three years as on date. He submits that false allegations have been levelled by the complainant against the petitioner of having inflicted datar blow on each of his two legs. It has further been submitted that even though charges were framed way back on 09.03.2021, however, till date only three prosecution witnesses out of the 15 cited had been

examined, hence, there was no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Harvinder Singh, has not disputed the role attributed to the petitioner in the crime in question. However, he submits that the petitioner is a man of criminal antecedents as he is involved in a number of other criminal cases which find duly reflected in his custody certificate, which has been filed in the Court today. However, at the same time, learned State counsel has not been able to controvert that the petitioner is on bail in four of the five cases which stand registered against him.

4. On a pointed query put to the learned State counsel, he on instructions from ASI Harvinder Singh, has informed the Court that the person who was allegedly inflicted injuries by the petitioner had since been examined by the trial Court.

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

6. The petitioner has been in custody since 19.10.2020. Challan stands presented. The sole material witness i.e. the person to whom the petitioner had allegedly inflicted injuries has since been examined. As many as 13 prosecution witnesses still remain to be examined, thus, there is no likelihood of the trial concluding in the near future. There can also be no possibility of the petitioner trying to influence the material witnesses to depose in his favour as the material witnesses already stand examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, 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.

(MANJARI NEHRU KAUL)
JUDGE

October 06, 2023
archana

Whether speaking/reasoned	Yes
Whether Reportable	No