

CRM-M-39567-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39567-2023

Date of decision: 14.09.2023

AMANDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.K.Girdhar, Advocate,
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case FIR No.86 dated 02.07.2022, registered under Sections 302, 323, 148, 149 and 449 IPC, at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. Status report dated 07.09.2023 by way of affidavit of the Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, filed in the Court today, is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that as per the prosecution version, injuries on the waist of complainant-Mukesh Kumar and the ring-finger of Sushil Kumar, with a *danda*, have been attributed to the petitioner; that a sudden fight took place between two groups due to which Nitish Kumar, brother of the complainant had died; that the petitioner has been in custody since 03.07.2022 and that all material witnesses, especially, PW 1 Mukesh Kumar, brother of the deceased, PW 2 Chander

CRM-M-39567-2023

Shekhar and PW 3 Sushil Kumar have not supported the prosecution version and have been declared hostile. It is further submitted that there is no other case registered or pending against the petitioner.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner while actively participated in the occurrence, had given *baton* blows on the waist of complainant-Mukesh Kumar and the ring-finger of Sushil Kumar. It is further submitted that material prosecution witnesses are yet to be examined.

5. I have heard the learned counsel for the parties.

6. The petitioner has been in custody since 03.07.2022. Three prosecution witnesses, including the brother of the deceased, have not supported the prosecution version and have been declared hostile. Some of the prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.09.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No