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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43954-2023 (O&M)

Date of decision: 12.09.2023

Baljit Singh @ Sukha Nihang

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. I.P.S. Sabherwal, DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of bail under Section 439 Cr.P.C. in case FIR No.116 dated 18.07.2021 under Sections 302 and 34 of the Indian Penal Code, 1860, (Sections 323, 342, 148 & 149 IPC have also been added subsequently) registered at Police Station Kartarpur, Jalandhar Rural, Punjab.

2. Learned counsel for the petitioner contends that a false case has been planted upon the petitioner for having allegedly beaten the son of the complainant to death along with the co-accused. Learned counsel submits that a false case having been planted upon the petitioner, is evident from the fact that all the material witnesses, including the complainant as well as two alleged eye witnesses, namely PW-2 Amandeep Singh, and PW-3 Hardeep

Kumar, who while stepping into the witness box, did not support the

prosecution case as a result of which they were declared hostile. Learned counsel for the petitioner further submits that since all the material witnesses stand examined and have turned hostile during trial, further incarceration of the petitioner would serve no useful purpose as 16 prosecution witnesses still remain to be examined.

3. Learned State counsel while opposing the prayer of the counsel opposite, has not been able to dispute the submissions made by the counsel opposite qua all the material witnesses turning hostile during trial.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative. The petitioner has been in custody since 03.09.2021 and as already observed here-in-above all the material witnesses stand examined and have not supported the case of the prosecution.

5. In the facts and circumstances as enumerated hereinabove, 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.

12.09.2023

Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No