

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

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2023:PHHC:121982

CRM-M-45102-2023

Date of decision: September 15th, 2023

Gurjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Pankaj Khullar, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.76 dated 10.05.2020 under Sections 302, 506, 34 IPC registered at Police Station City Kotkapura, District Faridkot.

2. Learned counsel for the petitioner, *inter alia*, contends that the prosecution case was set in motion at the instance of complainant-Gianjeet Singh, who while getting the FIR lodged allegedly stated that his father had been assaulted by three accused including the petitioner within his sight, on account of some land dispute. Learned counsel submits that a false and fabricated case having been foisted upon the petitioner in fact finds credence from the fact that while stepping into the witness box, the complainant, who had allegedly witnessed the occurrence in question, though supported the case of the prosecution qua the other two assailants i.e. Ramandeep Singh and Kamaldeep Singh alias Babbu, however, qua the petitioner he categorically stated that he was not present when the occurrence in question took place.

In support of his submission, he has placed on record statement of PW6 complainant-Gianjeet Singh as Annexure P-3. Learned counsel submits that the petitioner has now been in custody for almost two years having been arrested on 14.10.2022 and all the six material witnesses including the complainant stand examined. Hence, further incarceration of the petitioner in the aforementioned facts and circumstances would serve no useful purpose as there could be no apprehension of the petitioner trying to influence the witnesses to depose in his favour much less tampering with the evidence on record.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not been able to dispute that it is a case of eyewitness account and the complainant, who was an eyewitness also had not supported the case of the prosecution qua the petitioner and had been declared hostile during trial. He has also not disputed that all the material witnesses stand examined.

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

5. As per the instructions received by the learned State counsel, as many as 19 prosecution witnesses out of the 25 cited remain to be examined. Hence, there is no likelihood of the trial concluding in the near future.

6. This Court, in the facts and circumstances as enumerated hereinabove, thus, deems it appropriate to extend the concession of bail to the petitioner. The instant petition is, therefore, 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.

September 15th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No