

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

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2023:PHHC:136021

CRM-M-47215-2023

Date of decision: October 18th, 2023

Krishan Singh @ Goli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harpreet Maini, Advocate
for the petitioner.

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

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.85 dated 02.07.2022 under Sections 302, 449, 307, 120-B of the IPC and Sections 25 and 27 of the Arms Act registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, *inter alia*, contends that the material witnesses Parampal Singh, the alleged eyewitness, who saw the petitioner fleeing away from the spot along with co-accused Hardeep Singh after committing the murder of Jarnail Singh and Mithu Singh, had not supported the case of the prosecution, as a result of which he was declared hostile. Learned counsel submits that even otherwise, the only role attributed to the petitioner in the crime in question was that he was standing outside the place of occurrence when the co-accused went inside to commit the alleged crime. It has been submitted that in the facts and circumstances, particularly when

PW Parampal Singh had been declared hostile, further incarceration of the petitioner, who has been in custody since 04.07.2022, would serve no useful purpose as 22 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Bhag Chand, has not disputed that all the material witnesses had been examined and PW-4 Parampal Singh while stepping into the witness box had been declared hostile. He, however, submits that though the petitioner was not attributed any injury on the deceased, but he was present outside the house and co-accused had fled away on a motorcycle with the petitioner, after committing the twin murders.

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, since all the material witnesses stand examined, coupled with the fact that there is no likelihood of the trial concluding in the near future, 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 18th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No