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

**CRM-M-51253-2022
Date of Decision: 16.01.2023**

Jagdish Singh alias Jagga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.18 dated 28.02.2022, under Sections 307, 379-B(2) & 34 IPC and Sections 25 & 27 of the Arms Act, registered at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 04.04.2022 and the investigation of the case has already been completed and thereafter, even the trial has commenced. He further submitted that the complainant has already been examined in the present case and he has not supported the prosecution version and has already declared as hostile. He has referred to the statement of the

complainant vide Annexure P-8 in this regard. He also submitted that it is a case where the name of the petitioner has been nominated on the basis of the disclosure statement made by the co-accused, namely, Lovepreet Singh @ Love, who has already been extended the benefit of regular bail by the learned Sessions Court vide Annexure P-5. He further submitted that the petitioner has got clean antecedents and is not involved in any other case and has been implicated only on the basis of the disclosure statement of the co-accused which is otherwise not admissible in evidence and therefore, considering the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is having clean antecedents and is not involved in any other case and is facing incarceration from 04.04.2022, which is almost 9 months. She further submitted that it is also correct that the complainant has been examined, who has not supported the prosecution version and has turned hostile and the petitioner was nominated on the basis of the disclosure statement of the co-accused, namely, Lovepreet Singh @ Love, who has already been granted regular bail by the learned Sessions Court vide Annexure P-5.

I have heard the learned counsel for the parties.

The petitioner is in custody from last 9 months and the material witness, who is the complainant, has now been examined, who did not support the prosecution version. The co-accused, namely, Lovepreet Singh @ Love on whose disclosure statement, the name of the petitioner was nominated, has already been granted regular bail by the learned Sessions

Court vide Annexure P-5. The petitioner is stated to be not a habitual offender and is not involved in any other case. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.01.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |