

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-53603 of 2022 (O&M)

Date of Decision:25.04.2023

Amandeep Singh @ Happy

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Roopak Bansal, Advocate,
for the petitioner.

Mr. Arun William, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

CRM-15640 of 2023

Vide this application, the applicant-petitioner is seeking permission to place on record the statements of PW-1 (Reena Jaswal) and PW-2 (Randhir Singh) as Annexure P-9 and P-10 respectively.

For the reasons mentioned in the application, the same is allowed and the statements of PW-1 (Reena Jaswal) and PW-2 (Randhir Singh) are taken on record as Annexure P-9 and P-10 respectively subject to all just exceptions.

CRM-M-53603 of 2022

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.165 dated 28.08.2021, earlier under Section 304 IPC (challan presented under Section 302 IPC), registered at Police Station Mukerian, District Hoshiarpur.

2. It has been submitted by learned counsel for the petitioner that it is a case where the petitioner is in custody from 29.08.2021 which is more than 1½ years and two prosecution witnesses have been examined including the sister and brother-in-law of the deceased. He submitted that the petitioner has clean antecedents and is not involved in any other case and as per the allegations, the petitioner alongwith the deceased were going in a car which was driven by the deceased himself and the car fell into a canal with the result that the deceased who was in front seat died but the petitioner was survived but he did not disclose the same to the police due to panic. He submitted that initially an FIR was lodged under Section 304 IPC but thereafter due to some purported extra judicial confession of the petitioner before a co-villager, *challan* was presented under Section 302 IPC. He submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Arun William, learned AAG, Punjab has submitted that it is correct that the petitioner is in custody from more than 1½ years and two prosecution witnesses have been examined who are the material witnesses i.e. the sister and brother-in-law of the deceased. He submitted that it is also correct that initially the FIR was lodged under Section 304 IPC but *challan* was presented under Section 302 IPC on the basis of extra judicial confession. He has however submitted that the petitioner is not involved in any other case.

4. I have heard learned counsel for the parties.

5. The petitioner has already faced incarceration for more than 1½ years. Initially the FIR was logged under Section 304 IPC but converted into 302 IPC at the time of presentation of *challan* based upon some extra judicial confession. The

petitioner is stated to be not involved in any other case and two prosecution witnesses who are the material witnesses have already been examined. Furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or may influence the witnesses.

6. In view of the facts and circumstances of the present case, this Court is of the view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. 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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 25, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No