

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

221

2023:PHHC:137424

CRM-M-52614-2023

Date of decision: October 20th, 2023

Krishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General, Punjab.

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.137 dated 06.07.2022 under Sections 302/323/34 of the IPC registered at Police Station Sadar Fazilka.

2. Learned counsel for the petitioner, *inter alia*, contends that a false and fabricated version having been brought forth in the FIR in question, which has been annexed as Annexure P-1, finds due credence from the fact that while stepping into the witness box, all the three material witnesses including the complainant, who stepped into the witness box as PW-2 and was also the alleged eyewitness, did not support the case of the prosecution, as a result of which they were declared hostile. Learned counsel while drawing the attention of this Court to the depositions of all the three material witnesses (Annexures P-2 to P-4) has submitted that it had been categorically deposed that the deceased had fallen down and she had received

injuries on account of a stampede and not due to any injuries inflicted by the accused persons.

3. Learned State counsel, on instructions from ASI Jaswant Singh, has not disputed the submissions made by the counsel opposite qua all the three material witnesses having been examined and having been turned hostile during trial.

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

5. The petitioner has been in custody since 06.07.2022 and 20 prosecution witnesses still remain to be examined out of the 23 cited. Hence, the trial is unlikely to conclude in the near future.

6. 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.

October 20th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No