

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54682-2022 (O&M)
Date of Decision:-18.05.2023

SURJIT @ MITHAN

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.6 dated 5.1.2021 registered for the offences punishable under Sections 302 IPC and Section 25, 27 of Arms Act (Sections 148, 149, 120-B, 427 IPC added later on) at Police Station City Ferozepur, District Ferozepur.
2. Counsel for the petitioner submits that FIR in this case was registered against unknown persons who indiscriminately fired at the car driven by deceased-Chetan and in the said car, wife of the deceased namely

Drishti was also traveling and due to the said firing, Chetan died. He further submits that during the trial, complainant-Drishti and other material witness, Chandan brother of the deceased had not supported the case of the prosecution as is evident from Annexures A-5 and A-6. He further submits that the petitioner is behind the bars for the last more than 2 years and 3 months and it will take considerable time for the trial to conclude. So, prayer is made for grant of regular bail to the petitioner.

3. Present petition is contested by the State counsel who submits that the petitioner indulged in indiscriminate firing which resulted in the death of Chetan. He has contended that the petitioner was nominated as accused on the basis of the supplementary statement recorded by the brother of the deceased and was arrested on 20.1.2021. He has, however, not disputed the fact that during the trial, the complainant and Chandan both material witnesses, are declared hostile.
4. I have considered the submissions made by the counsel for the parties.
5. As per custody certificate furnished by the State counsel, the custody of the petitioner comes out to be more than 2 years and 3 months. FIR in the present case was registered against 4-5 unknown persons who fired at the car of complainant-Drishti which was driven by her husband Chetan and due to the said firing, Chetan died. While appearing in the witness box, complainant-Drishti and Chandan brother of the deceased have not supported the case of the prosecution and are declared hostile as is clear from Annexures A-5 and A-6. However, it will take considerable time for the trial to conclude. So, no

useful purpose is going to be served by keeping the petitioner in custody for any further period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No