

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57501-2022
Date of Decision:-18.05.2023

SUKHRAJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.28 dated 10.2.2022 registered under Sections 302, 323, 324, 148, 149 IPC , at Police Station city Phagwara, District Kapurthala.
2. The allegations in nut-shell are that complainant-Paramjit reported to the police that on 9.2.2022 at about 4:30 pm accused Deepa @ Amandeep came to his house and took his son Ajay Kumar along with him. That complainant and his younger son Sunil Kumar also followed them and when they reached near *Shinde Baba Di Jagha*, 8-9 boys armed with weapons attacked Ajay Kumar and caused injuries to

him and then went away from there. The complainant took his injured son Ajay Kumar to civil hospital Phagwara from where he was referred to Jalandhar, where he died while undergoing the treatment. During investigation, the petitioner was arrested on 16.3.2022.

3. The counsel for the petitioner submits that the petitioner who was not named in the FIR was later on falsely implicated in the present case at the instance of complainant and is incarcerated since last more than 1 year and 1 month and during trial complainant and other eye-witnesses have not supported the case of prosecution and copies of their depositions are placed on record. The counsel for the petitioner submits that it will take considerable time for the trial to conclude.
4. The instant petition is resisted by the State counsel, who on instructions from ASI Inderjit Singh submits that the petitioner is facing trial with regard to murder of Ajay Kumar and was arrested on 16.3.2022. However, the State counsel has not disputed the fact that till date only 3 witnesses have been examined out of 35 witnesses on behalf of the prosecution and all the material witnesses stand examined and that the complainant and 2 other eye-witnesses have turned hostile.
5. I have considered the submissions made by counsel for the parties.
6. In view of the fact that the material witnesses have failed to support the case of prosecution against the petitioner, who is incarcerated since last 1 year and 1 month, it will take considerable time for the trial to

terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

18.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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