

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

CRM-M No.60948 of 2022
Date of decision: 31st July, 2023

Karaj Singh @ Karj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. PBS Goraya, Advocate for the petitioner.
Mr. H.S. Sitta, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.69 dated 22.05.2021 under Section 302 IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner inter alia submits that the petitioner having been falsely implicated in the case in hand for the murder of his mother, i.e. Sawinder Kaur, finds credence from the fact that all the material witnesses including the complainant Jagjit Singh, while stepping in to the witness box, had not supported the case of the prosecution, as a result of which they were declared hostile. In support, learned counsel has drawn the attention of this Court to the depositions

of all the material witnesses including the complainant, which have been annexed as Annexure P-1 to P-6. It has thus been urged that in the facts and circumstances, further incarceration of the petitioner would serve no useful purpose as 14 prosecution witnesses still remain to be examined and the petitioner has now been in custody since more than 2 years, having been arrested on 17.6.2021.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to dispute the submissions qua all the material witnesses including the complainant and other eye-witnesses having been declared hostile during trial. Learned State counsel, however, submits that the petitioner had come to the place of occurrence on his motorcycle armed with a double barrel gun and thereafter, shot his mother dead. He submits that the eye-witnesses were closely related to the petitioner as well as the deceased, and hence, they might have turned hostile for reasons but obvious. On a pointed query put to the learned State counsel, he on instructions has informed the Court that the petitioner is not involved in any other criminal case.

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

5. The petitioner has been in custody since 17.06.2021. As already observed hereinabove and not disputed by the learned State counsel, all the material witnesses including the alleged eye-witnesses

have been declared hostile during trial. In the facts and circumstances, as enumerated hereinabove, without commenting on the merits of the case, this Court thus deems it fit to extend the concession of bail to the petitioner, more so when the trial shall take considerable time to conclude. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2023
rps

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