



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

CRM-M No.12474 of 2023
Date of decision: 23rd May, 2024

Jagdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Chahit Bansal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0085 dated 04.08.2022 under Sections 302, 364, 201, 120-B of the IPC registered at Police Station Bareta, District Mansa.

2. Learned counsel for the petitioner submits that the case in hand hinges on circumstantial evidence; all the material witnesses including the most material witness i.e. the witness of extra-judicial confession, before whom the petitioner allegedly admitted to his involvement in the murder of deceased Jagsir Ram, while stepping into the witness box had not supported the case of the prosecution as a result of which he was declared hostile. It has also been submitted that even the other material witness i.e. brother of the deceased had also been



declared hostile during trial. He submits that the petitioner has now been in custody since 05.08.2022 and as many as 20 prosecution witnesses still remain to be examined, hence, there is no likelihood of the trial concluding in the near future. Learned counsel further submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose, and thus, the petitioner be extended the concession of bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sukhdev Singh, has not been able to dispute the stage and status of the trial. It has also not been disputed that all the material witnesses including the most material witness i.e. the witness of extra-judicial confession as well as the brother of the deceased, already stand examined and they both have not supported the case of the prosecution as a result of which they have been declared hostile.

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

5. The petitioner has now been in custody since 05.08.2022 and there is no likelihood of the trial concluding in the near future as 20 prosecution witnesses still remain to be examined. In addition to this, all the material witnesses including the witness to extra-judicial confession as well as the brother of the deceased, have already been declared hostile during trial. In the facts and circumstances, as



enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. 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

May 23, 2024
rps

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