

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15558 of 2024
Date of decision: 5th April, 2024

Labh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Neeraj Jain, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. 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.35 dated 21.05.2022 under Sections 302, 120-B of the IPC registered at Police Station Sadar Budhlada, District Mansa.

2. Learned counsel for the petitioner inter alia contends that the petitioner is languishing in custody since 21.05.2022 for allegedly committing murder of his father Pritam Singh inside his own house. Learned counsel submits that a totally false and fabricated case has been planted upon the petitioner; in fact it is a blind murder which took place and strangely the complainant, who was not a frequent visitor to the house of the petitioner and the deceased, happened to be present in the vicinity when the alleged murder took place. Learned counsel has further submitted that even though challan was presented almost two

years back and charges were framed on 21.09.2022, however, till date not even a single prosecution witness out of the 21 cited had been examined. It has been submitted that the first date fixed before the trial Court for commencement of prosecution evidence was 21.10.2022 and thereafter, the trial Court had adjourned the case as many as 25 times without any of the prosecution witnesses appearing even on a single date. He submits that in the circumstances, further incarceration of the petitioner, who has no criminal antecedents, would serve no useful purpose as there is no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jagjit Singh, has not disputed the submissions made by the counsel opposite with respect to the stage of trial and that none of the prosecution witnesses had been examined till date. He, however, submits that it is a case of eye-witness account and the parties are closely related to each other, which is possibly the reason for the prosecution witnesses including the complainant absenting themselves before the trial Court. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he, on instructions, has submitted that though the petitioner is not involved in any other criminal case of identical nature, however, there is one case under the Excise Act pending against him.

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 21.05.2022, and ever since the charges were framed on 21.09.2022, the trial Court has been adjourning the case to await the appearance of the prosecution witnesses including the complainant, however, as not disputed by the learned State counsel, not even a single prosecution witness has been examined till date. Further incarceration of the petitioner, in the circumstances, would serve no useful purpose as the trial would take considerable time to conclude. 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

April 5, 2024
rps

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