



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-21410-2024 (O&M)
Date of Decision:- 16.07.2024

SUKHWINDER SINGH @ GHUDU
....Petitioner(s)
Versus
STATE OF PUNJAB
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Malkiat Singh, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
406	29.11.2020	307, 450, 452, 120-B, 148 and 149 IPC; 25, 27 of the Arms Act	Jandiala Guru, Amritsar Rural

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner was not named in the FIR but was nominated on the basis of disclosure statement made by co-accused Kishan Singh and no recovery has been effected from the petitioner. He submits that the petitioner is in custody since 15.01.2021 and after the completion of investigation,



challan has been presented in Court. The prosecution has cited 31 witnesses and only 1 witness has been examined till date. He contends that the complainant of the case namely Harjinder Singh/PW-1 has not supported the case of the prosecution and has categorically stated that the accused persons present in the Court were not involved in the occurrence. He submits that the complainant was the only eye-witness to the occurrence, who has turned hostile. He further submits that co-accused Kishan Singh has since been granted the concession of bail vide order dated 06.11.2023 (Annexure P-3) passed in CRM-M-15592-2023 and prayed for grant of bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition by arguing that there are specific allegations against the petitioner of having given injuries to the complainant. However, he has admitted that only 1 witness i.e. the complainant, who happens to be the sole eye-witness, has not supported the case of the prosecution and has been declared hostile.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that as per the case of prosecution, on 28.11.2020 at about 7:30 PM, when the complainant had gone to purchase chicken from *Raju Da Ahata*, 4-5 unknown persons having muffled faces came there on a motorcycle, out of whom one person having a pistol and another having a *datar* entered the premises and attacked the complainant causing multiple injuries. On alarm being raised, the assailants ran away from the spot. The complainant was shifted to hospital and the FIR was registered and accused were arrested.



6. Admittedly, after completion of investigation, challan has since been presented in Court, wherein the prosecution has cited 31 witnesses. The complainant-Harjinder Singh has been examined in the trial Court as PW-1 and his testimony has been placed on record, which would reveal that he has not lent any support to the case of the prosecution against the petitioner and has categorically stated that the petitioner had not caused him any injury. There is no other witness to the occurrence and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

16.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No