

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

CRM-M-30883-2023

DATE OF DECISION : 06.02.2024

GURDIAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. M.S.Nagra, AAG Punjab.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.147 dated 30.08.2022, under Sections 354, 308, 34 of IPC (Section 308 IPC deleted and Section 302 IPC added later on) registered at Police Station Sadar Patti, District Tarn Taran (Annexure P-1).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 03.09.2022. The co-accused Shinder Singh @ Jaswinder Singh has already been ordered to be released on bail as per the order dated 25.01.2024 passed by this Court in CRM-M-44421-2023. The material witnesses have already been examined but they have not supported the prosecution case.

3. Learned State counsel has verified that Wazir Singh, Sohan Singh, Sandeep Kaur and the Doctor who has conducted the medico-legal examination have been examined during the trial.

4. While granting bail to the co-accused Shinder Singh @ Jaswinder Singh, it was noticed that the material witnesses have not supported the prosecution case. Copies of the statement of Sohan Singh-PW1 (Annexure P-2), Wazir Singh-PW2 (Annexure P-3), Sandeep Kaur-PW3, (Annexure P-4) are part of the paper-book. As per the custody certificate dated 19.12.2023, the petitioner is in custody for the last one year, 3 months and 17 days and there is no other history of any case against the petitioner.

5. The conclusion of the trial will take time. Without expressing any opinion on the merits of the case and considering the principle of parity, the application is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

06.02.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No