

222

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32998-2023
Date of decision:- 22.02.2024

JASPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Himmat Singh Deol, Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition have been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail in the
following case (Annexure P-3):-

FIR No.	Dated	Sections	Police Station
115	18.05.2021	302, 341, 323, 34 IPC (Section 201 IPC added later on)	Chattiwind, District Amritsar

2. Custody certificate dated 21.02.2024 has been filed by learned
counsel for the State, the same is taken on record. Copy thereof, has been
supplied to the counsel opposite.
3. Heard.
4. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner after having been arrested in the present case on 27.04.2022 is in custody. He submits that petitioner has been falsely implicated in this case and the material witnesses including the complainant and the eye witnesses have not lent any support to the case of the prosecution against the petitioner and have not uttered anything against him. He submits that conclusion of trial will take sufficient long time and hence,, he prays for grant of bail to the petitioner.

5. Per contra, learned State counsel on instructions from ASI Harjinder Singh, PS Chhatiwind has not disputed the factual matrix and submits that 7 witnesses have been examined out of 22 witnesses cited by the prosecution and 3 prosecution witnesses have given up. He has not disputed the fact that the material witnesses of the case have not connected the petitioner with the commission of crime and only official witnesses remain to be examined.

6. After considering the rival contentions and going through the record, it transpires that the instant case was registered on the statement of Tarsem Singh s/o Mukhtar Singh wherein he alleged that on 18.05.2021 at 6:30 P.M. he was going along with his father Mukhtiar Singh on their cart then Shamsher Singh and Jaspal Singh armed with tangli intercepted and on the lalkara being raised by Rachpal Singh, Jaspal Singh-petitioner along with Rach Pal Singh gave tangli blows on the complainant and his father Mukhtiar Singh who succumbed to the injuries on his way to the hospital and accordingly, the case was registered. The petitioner was arrested on 27.04.2022, and since then he is in custody. After conclusion of

investigation, challan was presented in Court and during course of trial the complainant Tarsem Singh was examined as PW-1 and has categorically deposed that the accused present in Court were not those persons who had caused injuries to him and his father (Annexure P-10) and during his cross-examination, he clarified that the assailants were not armed with tangli nor any recovery of weapon was effected in his presence. Prosecution has also examined PW-2 Kabil Singh the witness of the alleged incident who has also not lent any support to the case of prosecution (Annexure P-11). PW-3 Nirmal Singh is witness to inquest report vide (Annexure P-12), PW-4 Bikramjit Singh and PW-5 Ranjit Singh the alleged eye witnesses have also turn hostile and has not identified the accused person in Court as assailants vide copy of their statement (Annexure P-13 and P-14) respectively. The learned State counsel has not disputed the authenticity of the aforesaid testimony of the material witnesses and has stated that only official witnesses remained to be examined. The prosecution has cited 22 witnesses and the material witnesses mentioned above have already been examined to have not connected the present petitioner with the commission of the alleged offence . The petitioner is already in custody since 27.04.2022, the conclusion of trial will take sufficient long time and taking into account the fact that the material witnesses of the case have not lent any support to the case of the prosecution to connect with the alleged offence, no purpose would be served by detaining petitioner in custody any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

(SANJIV BERRY)
JUDGE

22.02.2024

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