



211
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32862-2024(O&M)
Date of Decision: 17.07.2024

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arjun Veer Sharma, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.95 dated 26.10.2017, under Section 302 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Kotwali Nabha, District Patiala.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody for 6 ½ years. He submitted that earlier when he filed a bail petition, the same was also dismissed on the ground that the trial was at the fag end and the aforesaid bail petition was dismissed vide Annexure P-7 on 09.03.2022 which is more than 2 years ago. He submitted that thereafter the prosecution evidence was closed but thereafter a supplementary challan was presented by the police and on the basis of the same, some witnesses were required to be examined but they have not been examined till date.



3. Learned counsel submitted that the allegations in the present case were that the complainant had lodged a complaint to the police that his nephew has been killed by some unknown persons and as per the allegations, the police nominated the name of the petitioner on the ground that he had given Rs. 5,00,000/- to the other co-accused namely, Bittu for killing the deceased. He submitted that the entire prosecution story is based upon circumstantial evidence and during investigation one extra judicial confession has also been extracted which was never given by the petitioner. He also submitted that the petitioner is having clean antecedents and he is not involved in any other case. He also submitted that the petitioner was earlier involved in one case under Section 323 IPC in which he has been acquitted. He submitted that earlier the petitioner was also granted interim bail twice. On the first occasion it was granted because he had to attend the funeral of his father and thereafter this Court had granted interim bail to the petitioner to attend the bhog ceremony of his son who had died. He submitted that both the times he had surrendered before the jail authorities well in time and he did not violate any of the conditions of the bail nor he jumped the bail. He submitted that once the prosecution evidence was closed and thereafter a supplementary challan was filed and again the matter kept lingering on for more than two years which elongated the custody of the petitioner to 6 ½ years, and therefore, he may be considered for the grant of regular bail. He further submitted that even otherwise also the complainant and one eye witness have not supported the prosecution version and have been declared hostile.

4. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab



has submitted on instructions from ASI Ripun Kumar that so far as the custody of the petitioner is concerned, the same is correct and the allegations were that the petitioner had given Rs. 5,00,000/- alongwith his licenced revolver to the co-accused namely, Bittu to kill the deceased. He further submitted it is also correct that earlier in the year 2020 the prosecution evidence was closed but later on, on the basis of the supplementary challan filed by the police it was fixed for prosecution evidence. So far as the antecedents of the petitioner is concerned, he also submitted that the petitioner is not involved in any other case except for one case under Section 323 IPC in which he has been acquitted.

5. At this stage, learned counsel for the petitioner has submitted that even as per the FSL report, the licenced weapon of the petitioner did not match with the bullets which were recovered at the spot.

6. I have heard the learned counsels for the parties.

7. This Court would consider the case of the petitioner for the grant of bail on the basis of his long incarceration of 6 ½ years. It is not disputed that the prosecution evidence was closed earlier and thereafter on the basis of presentation of supplementary challan, the fresh evidence has started but nobody has been examined thereafter. The petitioner is stated to be having clean antecedents and is not involved in any other case except for one case under Section 323 IPC in which he has been acquitted. Earlier he was granted interim bail twice because of the aforesaid reasons and as per both the learned counsel for the parties, he did not violate any of the conditions of the interim bail and he surrendered well in time on the expiry of the interim bail. Furthermore, it is not the case of the State that in case the



petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

8. Therefore, considering the totality of facts and circumstances of the present case especially considering the long custody of the petitioner which is about 6 ½ years, this Court deems it fit and proper to grant regular bail to the petitioner.

9. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.07.2024
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No