

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

CRM-M-36390-2023
Decided on:-28.02.2024

Arun KumarPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Athar Ahmed, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.41, dated 01.05.2020, registered under Sections 302 and 120-B IPC, at Police Station Ghanie-Ke-Bangar, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegation of having done to death deceased-Satinder Jit Singh @ Chad. He further submits that complainant namely, Sukhwinder Singh, who happens to be the father of the deceased has turned hostile and not supported the prosecution version. Otherwise, the petitioner is behind the bars for the last 03 years and 09 months and trial is likely to take some time as only 3 prosecution witnesses have been examined so far.

3. On the other hand, prayer made herein has been opposed at the instance of learned State counsel while referring to the multiple grievous injuries found on the body of the deceased as well as the manner in which

the offence was committed, besides the recovery of weapon used in the offence from the petitioner, thus, prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, petitioner has already suffered incarceration for a period of 03 years and 09 months, who is a young boy of 22 years of age with no criminal antecedents; so far only 03 prosecution witnesses have been examined out of total 25 witnesses cited by the prosecution and thus, trial is likely to take some time. Even no apprehension of threat extended by the petitioner to any of the prosecution witnesses, especially, when complainant-Sukhwinder Singh, who happens to be the father of the deceased having resiled and not supported the prosecution version while appearing as PW-1 before the Trial Court on 27.02.2024, thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

28.02.2024
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(HARKESH MANUJA)
JUDGE

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