

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40154-2023
Decided on : 08.02.2024

Ajay Parshad

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.50 dated 23.03.2021 under Section 302 IPC registered at Police Station Basti Bawa Khel District Jalandhar.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody for almost three years having been arrested on 23.03.2021 in an evident case of false implication. Learned counsel submits that the case in hand hinges on circumstantial evidence and all the material witnesses including the complainant, who had spelt out the alleged motive to commit the crime in question i.e. murder of his nephew, had not supported the case of the prosecution during trial, as a result of which, he had been

declared hostile. It has been further submitted that besides the complainant, other two material witnesses i.e. Shakti and the landlord of the house wherein the occurrence took place also had been declared hostile during trial. Learned counsel has further submitted that in the aforementioned facts and circumstances further incarceration of the petitioner would serve no useful purpose as there is no possibility of the petitioner tampering with evidence or influencing the witnesses. It has also been submitted that since 12 prosecution witnesses still remain to be examined, trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite qua all the material witnesses having turned hostile including the witness, who spelt out the motive to commit the alleged crime. Learned State counsel on further instructions has informed the Court that the next date of hearing fixed before the trial Court is 27.02.2024 when some more prosecution witnesses are likely to be examined.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he on instructions has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 23.03.2021. There is no likelihood of the trial concluding in the near future as only four prosecution witnesses have been examined till date.

7. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.02.2024
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(MANJARI NEHRU KAUL)
JUDGE

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