



CRM-M-41598-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CRM-M-41598-2024
Date of Decision : December 04, 2024

AKSHAY KUMAR -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Malkit Singh Dhillon, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.185 dated 16.08.2021, under Sections 302, 452, 120-B, 148, 149 of the IPC, registered at P.S. City Samana, District Patiala.
2. The genesis of the present FIR is embodied in the statement made by one Sunil Kumar (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations levelled in the present FIR are that, owing to the injuries caused by the petitioner and his co-accused, the demise of complainant's son Rajan occurred. To be precise, the petitioner is alleged to have given a reverse blow of iron axe on the neck of complainant's son Rajan. Moreover, motive is also attributed to the petitioner.
3. The learned counsel for the petitioner, in his craving for the relief of regular bail for the petitioner, makes huge dependence upon the depositions of prosecution's star witnesses, namely, PW1 Sunil Kumar (complainant),



PW3 Budh Singh (eyewitness) and PW5 Surjit Ram (eyewitness), inasmuch as, they have not supported the case of the prosecution while deposing before the learned trial Court, rather have turned hostile.

4. The learned counsel for the petitioner further submits that, petitioner's co-accused Rajan Kumar, Harpreet Singh @ Happy, Gagandeep Singh @ Gagan Dhillon and Darshan Singh @ Sher Virk have already been granted the concession of regular bail by the Co-ordinate Bench of this Court, as is evident from Annexure P-6, therefore, since the petitioner is on a co-equal pedestal as his co-accused (supra), hence he also deserves the concession of regular bail.

5. Finally, the learned counsel for the petitioner submits that, when there is no likelihood of the trial concluding any time soon, inasmuch as, out of total 22 prosecution witnesses, only 04 witnesses have been fully examined, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars, who has already suffered incarceration of approx. 03 years and 03 months.

6. The learned State counsel has placed on record custody certificate of the petitioner, and, he opposes the grant of bail to the petitioner, on the ground that, he along with his co-accused has committed the murder of the complainant's son Rajan.

7. Although the learned State counsel has opposed the grant of bail to the petitioner, however, he is not in a position to dispute the aforesaid fact that the complainant and other material witnesses (supra) have resiled from their version(s). Moreover, on instructions imparted to him by A.S.I. Puran Singh, he verifies that out of total 22 prosecution witnesses, only 04 witnesses



have been fully examined, 03 witnesses have been partially examined and 01 witness has been given up.

8. The custody certificate of the petitioner reveals that, the petitioner has suffered incarceration of 03 years, 02 months and 22 days till 04.12.2024.

9. In view of the above, especially: (i) the complainant and other material witnesses (supra) making exculpatory depositions in respect of the petitioner; (ii) the period of incarceration suffered by the petitioner; (iii) there being no likelihood of the trial concluding anytime soon, inasmuch as, out of total 22 prosecution witnesses, only 04 witnesses have been fully examined; (iv) petitioner’s co-accused (supra) becoming granted the relief of regular bail by the Co-ordinate Bench of this Court through drawing Annexure P-6; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

December 04, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No