



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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CRM-M-42927-2024
Date of Decision: 15.10.2024

Baljit Singh @ Baljeet Singh @ Baljeeta
....Petitioner

VERSUS

State of Punjab
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. R.K. Arya, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, Deputy AG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0041 dated 16.04.2023 registered for the offences punishable under Sections 302, 307, 324, 323, 458, 148, 149 of IPC at Police Station Goraya, District Jalandhar (Rural).

2. The case of the prosecution in brief is that on the intervening night of 15/16.04.2023, complainant Charandeep Singh @ Chand was sleeping in his house along with other members of his family and his friend Hardeep Singh @ Deepa. At about 1.00/1.30 a.m., someone switched on the light, on which complainant saw the present petitioner armed with *gandsa* and his accomplices namely Gurpreet Singh @ Gopi, Ravi Kumar, Ajay, Neeraj @ Ajay, Akash, Sagar, Jaspal Singh armed with different weapons

and all of them attacked complainant and Narinder Singh (father of the



complainant). All of them caused fatal injuries to Narinder Singh and also caused injuries to the complainant. The petitioner caused injuries to the complainant, Hardeep Singh and Balraj Singh. After causing the injuries, all the assailants fled away from there. During investigation, the petitioner was arrested on 17.04.2023 and he got effected the recovery of the weapon used in commission of crime.

3. Counsel for the petitioner inter alia submits that the petitioner, who is falsely implicated in the present case is behind the bars for the last more than 1 year and 5 months and is presently lodged in judicial custody. That during trial the star witnesses namely PW-1 Baljit Kaur, PW-2 Complainant-Charandeep Singh and PW-3 Balraj Singh, have failed to support the case of the prosecution and that on this very ground similarly situated co-accused Jaspal Singh is already given benefit of regular bail by this Court vide order dated 18.09.2024 in CRM-M-45581-2024. It is further submitted that it will take time for the trial to conclude and no gainful purpose is going to be served by keeping the petitioner in custody for any further period.

4. The present petition is registered by the State counsel, who produced the custody certificate, which is taken on record. The State counsel on instructions from Inspector Kulwinder Singh has not disputed the fact that during the trial, the aforesaid 3 key witnesses have resiled from their previous statements and failed to identify the assailants.

5. I have considered the submissions made by the counsel for the parties.

6. In view of the above, as the material witnesses are declared hostile and similarly situated co-accused Jaspal Singh is granted on bail, on



custody of the petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 15, 2024

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