



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

CRM-M-45581-2024
Date of Decision: 18.09.2024

JASPAL SINGH
....Petitioner

VERSUS

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pardeep Kumar Kishanpuri, Advocate
 for the petitioner.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of B.N.S.S.,
2023 is for grant of regular bail to the petitioner in case FIR No.41 dated
16.04.2023 registered for the offences punishable under Sections 302,
307, 324, 323, 458, 148, 149, 460 of IPC at Police Station Goraya,
District Jalandhar (Rural).

2. The allegations in nutshell are 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
dadar and his accomplices namely Gurpreet Singh @ Gopi, Ravi Kumar,
Ajay, Baljeet Singh, Neeraj @ Ajay, Akash, Sagar 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 who was armed with datar gave its blow on the left arm of the complainant. After causing the injuries, all the assailants fled away from there. During investigation, the petitioner was arrested on 17.04.2024 and he got effected the recovery of one iron datar.

3. Counsel for the petitioner submits that the petitioner who is falsely implicated in the present case and is incarcerated for the last about 1 year and 5 months, is presently lodged in judicial custody. It is further submitted that during trial the key witnesses namely PW-1 Baljit Kaur, PW-2 Complainant-Charandeep Singh and PW-3 Balraj Singh have not supported the case of prosecution and the copies of their depositions are Annexure P-1, Annexure P-4 and Annexure P-5 respectively. 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 and further similarly situated co-accused Ravi Kumar is already enlarged on bail vide order dated 20.05.2024 (Annexure P-2) passed by the Co-ordinate Bench of this Court.

4. Notice of motion.

5. Mr. Inderjeet Singh, DAG, Punjab accepts notice on behalf of the State and on instructions from Inspector Balwinder Singh has not disputed the fact that during trial 03 material witnesses have resiled from their previous statements and failed to identify the assailants.

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



7. Admittedly, no injury caused to the deceased is attributed to the present petitioner and the only allegations against petitioner are that he gave datar blow on non-vital part of the body of complainant Charandeep Singh.

8. In view of the above, as the material witnesses are declared hostile as is evident from Annexure P-1, Annexure P-4 and Annexure P-5, no purpose will be served by prolonging the judicial custody of the petitioner.

9. Thus, without expressing any opinion 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

18.09.2024
Priyanka Thakur

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