

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-56102-2023

Date of Decision:-04.04.2024

Alamdeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karanjeet Singh Brar, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this third petition under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.137 dated 25.09.2019 under Sections 302, 323, 148, 149 IPC registered at P.S. Khuian Sarwar, District Fazilka.

2. The present FIR came to be registered at the instance of Pamma Singh which reads as under:-

“ Statement of Pamma Singh son of Nikka Singh son of Fakir Singh resident of Bhangala, Police Station Sadar Abohar, District Fazilka, aged about 55 years, mobile No.81958-99963, stated that I am resident of above given. address and doing labour work. On dated 24.9.19 I was present in my house then my son Bitta Singh's friend Sarabpreet Singh son of Suba Singh resident of Raniwala and Surinder Singh alias Shinda son of Jagdev Singh resident of Bhangala came to our house and said that Sarabpreet Singh's sister Sukhjit Kaur who has been married with Alamdeep Singh alias Nikka son of Resham Singh

resident of Daulatpura to whom Alamdeep Singh generally gave beating and we have to go to understand him then we both father and son Sarabpreet Singh and Surinder Singh by riding on two motorcycles at about 9:00 PM reached to the house of Alamdeep Singh at village Daulatpura. Where Alamdeep Singh @ Nikka was giving beating to his wife. When we all tried to make him understand then at that time the brother of Alamdeep Singh namely Raja was also present in the house. On calling Alamdeep Singh the persons residing nearby his house namely Babbi, Lakhwinder Singh sons of Darshan Singh came there alongwith dangs and Babu Singh son of Dharam Singh and Akashdeep Singh son of Jaskaran Singh also reached there. Thereafter we said to Alamdeep Singh that you don't beat our daughter daily then Alamdeep Singh become furious pickup the dang from his house and inflicted dang blow to my son Bitta Singh, which hit on his left scab of head, due to which he fell on the ground and colleagues of Alamdeep Singh continued kept on raising lalkaras "Hor Maro Hor Maro". Thereafter they all thinking that Bitta Singh has died ran away along with their motorcycles alongwith their respect weapons from the spot. We were carrying him on our motorcycle then near village Sappawali Ambulance met us. Thereafter we carried Bitta Singh in the Ambulance and admitted him to Civil Hospital, Abohar, where doctor declared Bitta Singh dead. I, by leaving Surinder Singh alias Shinda near the dead body of my son Bitta Singh by taking Sarbpreet Singh was coming to police station to report the matter that you have met me at Civil Hospital. I have got recorded my statement, heard, which correct. Action be taken. LTI Pamma Singh."

3. The Counsel for the petitioner contends that Surinder PW-1, Sukhdeep Kaur PW-4, Complainant Pamma PW-8 and Sarabjit Singh PW-9 all of whom are relevant witnesses stand examined and have not supported the prosecution case. As the petitioner was in custody since 27.09.2019 and 12 out of 18 prosecution witnesses including the relevant witnesses already stands examined, the further incarceration of the petitioner is not required.

4.

The learned State counsel on the other hand has filed reply by

way of affidavit of Mr. Arun Mundan, PPS, Deputy Superintendent of Police, Sub Division Abohar, District Fazilka in the court today which is taken on record. While referring to the said reply he does not dispute the factual position that all the material witnesses have turned hostile, that the petitioner is in custody since 27.09.2019 and that 12 out of 18 prosecution witnesses including the relevant witnesses already stand examined.

5. I have heard the learned counsel for the parties.
6. Admittedly all the material witnesses have turned hostile. Whether the remaining evidence available on record is sufficient to affix the guilt of the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 27.09.2019 and 12 out of 18 prosecution witnesses have been examined so far. Be that as it may, in view of the attending facts and circumstances of the case, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Aalamdeep Singh** son of Sh. Resham Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 04, 2024
Vinay

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