

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-58576-2023

Date of Decision: 22.4.2024

Kuldeep Singh alias Keepa

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mrs. Anupam Bhanot, Advocate, for the petitioner.
Mr. Inderjeet Singh Ladher, DAG, 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.06 dated 10.1.2023 registered for the offences punishable under Sections 323, 324, 34, 307 IPC at Police Station Sirhali, District Tarn Taran.

2. The allegations in nutshell are that complainant-Shamsher Singh got recorded his statement with the police to the effect that on 5.1.2023, the petitioner armed with datar and his daughter-Sukhpreet Kaur with iron rod were standing in the street and then the petitioner raised *lalkara* and then his daughter Sukhpreet Kaur hit iron pipe on head of the complainant, as a result of which, he fell down on the ground and then the petitioner gave datar blow on his head, as a result of which, he became unconscious and then the accused persons sped away from there. During investigation, the petitioner was arrested on 14.9.2023.

3. Counsel for the petitioner submits that the petitioner is falsely

implicated in the present case and is in custody for the last more than 7 months and during trial, complainant-Shamsher Singh failed to support the case of the prosecution. She further submits that co-accused/Sukhpreet Kaur is already enlarged on bail and that in the given circumstances, the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the petitioner is facing serious allegations. However, the State counsel on instructions from ASI Sewak Singh has not disputed the fact that the complainant, while appearing in the witness box resiled from his previous statement.

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

6. Admittedly, the petitioner is in custody for the last more than 7 months. As per report submitted by the trial Court, complainant-Shamsher Singh is examined during trial. From the perusal of copy of his statement, it appears that he was declared hostile and did not support the case of the prosecution. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

April 22, 2024
Paritosh Kumar