



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

320

CRM-M-65407-2023

Date of decision: July 22nd, 2024

Vikas Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.16 dated 14.01.2023 under Sections 302, 341, 307, 324, 323, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station City Faridkot.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 14.01.2023 in a case resting on eyewitness account. Learned counsel has, however, submitted that the petitioner's false implication in the present case stands corroborated from the fact that all the material witnesses including the two eyewitnesses having failed to support the case of the prosecution, as a result of which they were declared hostile. It has been further submitted that in the aforementioned facts and circumstances, since all the material witnesses stand examined and were declared hostile, his further incarceration would serve no useful purpose as 16 prosecution witnesses still remain to be examined.

3. Learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not controverted that both the material witnesses, who allegedly witnessed the occurrence in question, had been declared hostile during trial, however, it has been submitted by the learned State counsel, on instructions, that though there is no specific attribution qua the petitioner, however, he was very much present at the scene of crime along with co-accused and at the relevant time, was armed with a sword.
4. I have heard learned counsel for the parties and perused the material placed on record.
5. The complainant and PW Inderjit Singh allegedly witnessed the occurrence in question, wherein their brother-in-law Paramjit Singh (hereinafter referred to as ‘deceased’) succumbed to the injuries inflicted by all the accused. However, as not disputed, both these material witnesses did not support the case of the prosecution and were declared hostile. In the circumstances, further incarceration of the petitioner, who has now been in custody since 14.01.2023 would not serve any useful purpose as 16 prosecution witnesses still remain to be examined and there can be no apprehension of the petitioner influencing the material witnesses.
6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE