

2024:PHHC:002254
237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64805-2023
Date of Decision : January 09, 2024

Sunny alias Raja SinghPetitioner
Vs.
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.287 dated 22.12.2022 under Sections 302, 307, 427, 148, 149, 34 IPC and under Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Dharamkot, District Moga.

2. The present FIR came to be registered at the instance of Arshdeep Singh @ Ashu, who stated that all the accused, including the present petitioner had committed the murder of Harpreet Singh.

3. The learned counsel for the petitioner submits that Arshdeep Singh @ Ashu-complainant has been examined as PW1 and Sarabjit Singh and Gurpreet Singh have been examined as PW2 and PW3, respectively. None of them have supported the case of the prosecution. As all the material witnesses had turned hostile and the petitioner was in custody since 22.12.2022, he was entitled to the concession of bail, moreso, when his co-accused Kulbir Singh @ Lovely and Subham Kumar had been granted bail vide orders dated 04.12.2023 and 19.12.2023, respectively.

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4. The learned State counsel, on the other hand, contends that the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that all the three material witnesses have been examined and have not supported the case of the prosecution as also the fact that the petitioner is in custody since 22.12.2022.

5. I have heard the learned counsel for the parties.

6. Admittedly, all the three material witnesses, including the complainant have been examined and have not supported the case of the prosecution having 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. Admittedly, the petitioner is in custody since 22.12.2022 and as many as 16 witnesses still remained to be examined. Therefore, the trial of the present case is not likely to be concluded in the near future. In this situation, the further incarceration of the petitioner is not required.

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

January 09, 2024
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO