



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-144-2024

Date of decision: 07.08.2024

BALJINDER SINGH ALIA TOTI

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhwinder Singh, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.38 dated 21.06.2023 under Sections 379-B (2), 323, 506, 411, 201, 148 and 149 of the IPC registered at Police Station Lakhewali, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner submits that after the petitioner was arrested on 21.06.2023, the trial has proceeded at a very slow pace, with only one witness, the complainant, examined so far out of the 22 cited by the prosecution. Furthermore, the complainant has made self contradictory statements. In the FIR in question he had alleged that through his own enquiry, he learned about the involvement of the petitioner and the co-accused in the crime in question. However, while testifying before the Trial Court, he contradicted his earlier version, indicating that the petitioner was not even remotely connected with the alleged offence.



Court. It has also been brought to the notice of this Court that two co-accused, who had been identified by the complainant at the scene of crime itself, had since been granted the concession of bail vide orders dated 04.10.2023 and 20.10.2023 (Annexures P-3 and P-4 respectively) passed by a Coordinate Bench of this Court. Learned counsel for the petitioner has submitted that since the most material witness i.e. the complainant, already stands examined, further incarceration of the petitioner would serve no useful purpose as 21 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that identically placed two co-accused i.e. Sagar Singh and Husanpreet Singh have already been extended the concession of bail by a Coordinate Bench of this Court. On further instructions, learned State counsel has not disputed the stage of trial and that the sole material witness in the case in hand i.e. the complainant already stands examined.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 21.06.2023. The sole material witness in the present case stands examined. The trial is unlikely to conclude in the near future as 20 witnesses still remain to be examined.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

7. However, it is clarified that in case the petitioner misuses the concession of bail granted to him and is involved in any other criminal case, the State would be at liberty to immediately approach the Court for cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 07, 2024
poonam

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