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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9364-2024 (O&M)
Date of Decision:- 27.05.2025

KANWALJEET @KAMALJEET SHARMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Aman Mittal, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
171	10.09.2023	302 and 34 IPC	Sardulgarh, District Mansa, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that during the course of trial, the prosecution has examined both the material witnesses namely complainant-Raj Rani and eye-witness Hem Raj, who have not lent any support to the case of prosecution and have turned hostile. He submits that the remaining witnesses cited by the



prosecution are official formal witnesses, whose testimonies will not strengthen the case of the prosecution in any manner against the petitioner. He further submits that the petitioner is not having any criminal antecedents and is in custody since 28.09.2023. He submits that the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State and on instructions from ASI Malkeet Singh has opposed the petition. He has, however, admitted that out of 23 witnesses cited by the prosecution, 02 have been examined, who are the only material witnesses of the case and have not uttered anything against the petitioner in their testimonies.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner has been booked in the present case on the allegation of having committed murder of his own father Naresh Kumar. The petitioner is in custody since 28.09.2023 and after the completion of investigation, challan has been presented in Court. During the course of trial, the prosecution has examined the material witnesses namely PW1-Raj Rani and PW2-Hem Raj. Both of them have not lent any support to the case of prosecution and have given clean chit to the petitioner. Although the prosecution has to examine the other witnesses, but they are formal witnesses. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.



In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No