

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:032694



(218)

CRM-M-11718-2025

Date of Decision: 07.03.2025

Jagraj Singh Gill @ Raja @ Jugraj Singh Gill

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. P.S. Sekhon, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.494 dated 23.10.2023 under Sections 302, 353, 323, 427, 186, 148, 149 and 34 of the IPC registered at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submit that the false implication of the petitioner in the FIR in question is evident from the fact that not only the dhaba owner, where the occurrence in question took place, but even the complainant who allegedly witnessed the assault upon the deceased which led to his death, while stepping into the witness box had failed to identify the petitioner as a result of which the dhaba owner (PW-4) Pritam Singh, was declared hostile during trial. In support, learned counsel has drawn the attention of this Court to the depositions of both these material witnesses PW-1 Charanjit Singh (complainant/eye witness) and PW-4 Pritam Singh (dhaba owner). It has been asserted by the learned

counsel that even otherwise as per the case of the prosecution, the petitioner was not acquainted with the complainant and it was subsequent to the occurrence in question, on an inquiry made about the alleged assailants, some passersby had revealed the names of the alleged assailants including the petitioner. Learned counsel has submitted that when all the given circumstances are appreciated in their totality, it leaves no manner of doubt that the petitioner was not involved in the occurrence in question and had been nominated as accused on account of the misguided suspicion. Learned counsel submits that since all the material witnesses have not only been examined but have not supported the case of the prosecution coupled with the fact that as many as 18 prosecution witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose as the trial is unlikely to conclude in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Lakhwinder Singh, has neither disputed that the petitioner has been in custody since 23.10.2023 nor has he, on instructions, disputed that all the material witnesses including the complainant and the owner of the dhaba, where the occurrence in question took place, have not only been examined but have not supported the case of the prosecution. However, learned State counsel has drawn the attention of this Court to the contents of the FIR in question and reiterated the allegations levelled therein that all the accused had attacked the deceased who was a police official and had tried to intervene and pacify two groups which were quarreling with each other.

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

The instant case is based on eye witness account. All the eye witnesses stand examined and as not disputed, did not identify either of the petitioners as being one of the assailants who inflicted fatal injuries on the deceased. However, as per learned State counsel 07 prosecution witnesses have been given up which leaves only 11 prosecution witnesses to be examined.

Be that as it may, in the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as firstly the trial would take considerable time to conclude and secondly, there can be no risk of the petitioner intimidating/influencing the remaining witnesses.

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

Accordingly, the instant petition is allowed. 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.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

07.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No