



CRM-M-16249-2025

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

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CRM-M-16249-2025 (O&M)**Date of Decision: 28.03.2025**

Sukhwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Ms. Kamaldeep Kaur, Advocate for the petitioner.

Mr. S.S.Chahal, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.42 dated 29.05.2018, registered under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Valtaha, District Tarn Taran.

2. Allegations are that petitioner committed murder of Mukhtiar Singh-husband of *de facto* complainant-Rajinder Kaur, by giving brick blow on his head.

3. Contends that petitioner is in custody since 29.05.2018; final report under Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 27.08.2018; charges were framed on 16.11.2018; but out of total 12 prosecution witnesses, only 5 have been examined so far. Further contends that despite availing repeated opportunities, prosecution witnesses are not coming forward.

4. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that allegations against the petitioner are serious in nature; thus, he does not deserve the concession of bail pending trial at this



stage.

- 5. Heard both sides and perused the paper-book.
- 6. Concededly, petitioner is in custody since 29.05.2018; final report under Section 173 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C’) was presented on 27.08.2018; charges were framed on 16.11.2018; but out of total 12 prosecution witnesses, only 5 have been examined so far. Also noteworthy that despite availing repeated opportunities, prosecution witnesses are not coming forward. Moreover, it is not the objection raised by the State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial in any manner; thus, further incarceration of the petitioner would not serve any purpose.
- 7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- 8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
- 9. The above observations may not be construed as an expression of opinion on the merits of the case.
- 10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.