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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 31147-2024
Date of decision:-25.04.2025

AMRITPAL SINGH ALIAS D.C
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

 Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
334	28.08.2022	304, 34 IPC (302, 201 IPC (added lateron)	Goindwal Sahib, District Tarn Taran

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on fictitious grounds fabricated by the complainant, he has no concern



whatsoever with the demise of the son of the complainant. He contends that the petitioner is in custody since 12.09.2022, after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 17 witnesses and out of them only 7 witnesses have been examined. He contends that material witnesses including the complainant and eye witness have already been examined by the prosecution who have not lent any support to the case of the prosecution against the petitioner. He contends that the petitioner is not having any criminal antecedents and the conclusion of trial will take sufficient long time, hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments and prayed for dismissal of the bail petition considering the serious nature and gravity of the offence.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner was arrested on 12.09.2022 in the present case registered on the statement of complainant Darshan Singh on the allegations of having forced the son of complainant to jump in the river resulting in his death. Consequent upon the arrest of the petitioner on 12.09.2022 and upon completion of investigation challan was presented in Court wherein prosecution has cited 17 witnesses. Admittedly till date 7 witnesses including all material witness have been examined. The prosecution has examined complainant Darshan Singh as PW-1 whereas both the eye witnesses namely Pritam Singh and Ranjit Kaur have been



examined as PW-2 and PW-3 while other private witnesses namely Gurmail Singh as PW-4, Manjit Singh as PW-5 have been examined by the prosecution and their testimonies in court have been put on record by the Petitioner as Annexures P-3 to P-5 and P-8 to P-9 respectively. The prosecution has also examined PW-6 ASI Balbir Chand (Annexure P-10) who happens to be Investigating Officer of the case while Dr. Komal Preet Kaur who conducted the postmortem has been examined as PW-7 (Annexure P-11) and Inspector Rajinder Singh as PW-8 (Annexure P-12). The perusal of the aforesaid statements of the material witnesses would reveal that neither the complainant nor the eye witnesses have lent any support to the case of the prosecution and infact they have turned hostile giving clean chit to the petitioner. It is not disputed by learned counsel for State that all the material witnesses of the occurrence have not lent any support to the case of the prosecution. The conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time, and considering the fact that all material witnesses have not lent any support to the case of the prosecution connecting the petitioner with the alleged occurrence and also the fact that the petitioner is not having any criminal antecedents, no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |