

229

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35163-2024 (O&M)
Date of Decision:- 26.05.2025

HARBHINDER SINGH ALIAS BHINDER

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rajat Dogra, Advocate for the petitioner.
Mr. K.D. Sachdeva, DAG 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
57	16.07.2023	302, 201, 120-B, 149 IPC	Ramdass, Amritsar, District Amritsar

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 submits that the petitioner has no criminal antecedents and is in custody since 16.07.2023. He submits that challan has been presented and during the course of trial, the prosecution has examined all the three material witnesses, who have not lent any support to the case of prosecution and have turned



hostile. He submits that the remaining witnesses are formal official witnesses and 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 reply filed by the State and on instructions from Naib Court Surjit Singh has submitted that out of 12 witnesses cited by the prosecution, 03 witnesses have been examined, who happen to be the only material witnesses in the case and have turned hostile. He has, however, submitted that there are allegations against the petitioner of having killed the deceased by strangulation, as such, he does not deserve the concession of bail and prays for dismissal of the petitioner.

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

5. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the allegation that on 18.06.2023, Sukhwinder Singh, brother of the complainant had gone to village Ghumrai to visit his in-laws family, where he was brutally murdered. After registration of the FIR, the petitioner was arrested on 16.07.2023, and since then he is in custody. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 12 witnesses out of which, 03 have been examined during the course of trial. As stated above, all the material witnesses have been examined by the prosecution, including PW1/complainant-Paramjit Kaur, PW2-Kashmir Kaur and PW3-Manjeet Singh. The testimonies of these material witnesses have been placed on record. A perusal of these testimonies would reveal that none of them have



lent any support to the case of prosecution against the petitioner. Even despite being cross-examined at length by learned public prosecutor, nothing cropped up therein so as to connect the present petitioner with the commission of the alleged offence. This aspect has been verified by learned State counsel as well. The prosecution is yet to examine the formal official witnesses, which will take sufficient long time. The petitioner, having no criminal antecedents, is in custody since 16.07.2023, and considering the fact that material witnesses have turned hostile and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time, 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.

(SANJIV BERRY)
JUDGE

26.05.2025

S.Sharma(syr)

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