

2025:PHHC:007165



208.

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

CRM-M-61167-2024

Date of decision: 18.01.2025

Vakil Singh @ Vakilha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manpreet Singh, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.0206, dated 23.12.2023, under Sections 304, 34 of IPC (Section 420, 365, 344 of IPC added lateron), registered at Police Station Jaito, District Faridkot.

Learned counsel for the petitioner submits that after the withdrawal of the previous petition on 30.09.2024, the trial had made little progress with 32 prosecution witnesses still remain to be examined.

Learned counsel has further submitted that totally baseless and vague allegations have been levelled against the petitioner in the FIR in question (Annexure P-1) that he along with some of the co-accused assaulted the deceased, who was admitted in a De-addiction Centre, as and

when the deceased demanded intoxicant from them; it has been submitted that there was no material on record, much less in the shape of any CCTV footage to substantiate the allegations levelled against the petitioner of assaulting the deceased.

It has been contended that in the light of the vague allegations levelled against the petitioner and his long incarceration since 24.12.2023, coupled with the fact that only 02 prosecution witnesses out of 34 cited have been examined till date and furthermore, the complainant had been continuously absenting himself before the trial Court despite issuance of bailable warrants to secure his presence, the petitioner deserves to be extended the concession of bail. It has also been submitted that co-accused, Sunny, who is identically placed as the petitioner, has already been enlarged on bail by this Court vide order dated 07.01.2025.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been controverted that the complainant has been repeatedly absenting himself before the trial Court to get his evidence recorded. However, learned State counsel, while drawing the attention of this Court to the allegations levelled in the FIR in question, has reiterated the allegations levelled against the petitioner, which stands reproduced hereinunder:-

“Statement of Jagdeep Singh son of Soma Singh son of Jean Singh aged about 21 years resident of Deep Singh Wala, District Faridkot, Mobile No. 88722-99828. Stated that I am

resident of above said address and I do labour work. We are two brothers. Elder brother Kuldeep Singh who was habitual of taking intoxicants. For the de-addiction of Kuldeep Singh, we have talked with **Vakil Singh @Vakilha** and he took him in his vehicle from Village Deep Singh Wala and he had demanded total expenses of 23,000/- (Twenty-Three thousand) for the period of three months. We have paid him an amount of 15,000/- and balance amount was to be paid later on. That on dated 23.10.2023, Vakil Singh had taken Kuldeep Singh and thereafter we had received one phone call that Kuldeep Singh is extremely ill and he should be taken back. On dated 21.12.2023, we had taken the vehicle and had gone to Village Bishnandi in Drug De-addiction Centre where Kuldeep Singh was having many injuries and we had brought him in our vehicle and had got him admitted in GGS Medical Hospital, Faridkot for the treatment. On dated 22.12.2023, Doctor had discharged Kuldeep Singh and today, we had come to GGS Medical Hospital, Faridkot for getting medicines for him and then Kuldeep Singh had died there. That we have come to know Kuldeep Singh was inflicted injuries at Drug De-addiction Centre, Bishnandi by Vakil Singh @ Vakilha Sangh son of Bhola Singh, resident of Jaitu, Nirmal Singh @ Manga son of Bohar Singh, resident of Jaitu and Sunny. Due to this reason, he had died. Whenever we had gone to meet Kuldeep Singh, he used to tell them that when he used to demand intoxicants from them, they used to give him beatings. The reason for the enmity is that the above said persons had given beatings to Kuldeep Singh as he used to demand intoxicants from them. Due to this reason, they had inflicted him injuries and he had died. Action be taken. I have got my statement recorded, heard the same and the same is correct. Sd/ above said Jagdeep Singh. Verified by Sd/ Salma Rani wife of Kuldeep Singh, resident of Deep Singh Wala. Verified by Sd/ Jaswant Singh ASI, Police Station, Jaitu Dated 23.12.2023.”

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

The petitioner has been in custody for more than a year having been arrested on 24.12.2023. The complainant, who is the most material witness in the present case, for reasons best known to him, has been

continuously absenting himself before the trial Court to get his evidence recorded, despite issuance ofailable/non-ailable warrants. Resultantly, there is no possibility of the trial concluding the near future.

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 and 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.

(MANJARI NEHRU KAUL)
JUDGE

January 18, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No