



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

CRM-M No.64635 of 2024
Date of decision: 9th January, 2025

Ajit Singh @ Angi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of BNSS in case bearing FIR No.2 dated 06.01.2023 under Sections 302/34 IPC registered at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case, which is based on circumstantial evidence, finds due credence from the fact that PW-8 Sunny, who spelt out the motive qua all the accused including the petitioner, to carry out the murder of Gurdev Singh (hereinafter referred to as, 'the deceased'), did not support the case of the prosecution during trial as a result of which he was declared hostile. It has been submitted that even brother of the deceased, at whose instance the FIR in question

was registered, although was not specifically declared hostile, however, a perusal of his deposition, which has been annexed as Annexure P-3, clearly reveals that he had improved upon his initial version. Learned counsel, while drawing the attention of this Court to the cross-examination of the complainant, has submitted that he had categorically admitted that he had not witnessed the murder of his brother, which was yet again at complete variance with his deposition made during his examination in-chief. Learned counsel has also submitted that co-accused Golu Kumar has already been extended the concession of bail vide order dated 19.09.2024 (Annexure P-4) in the wake of PW-8 Sunny not supporting the case of the prosecution and being declared hostile. A prayer has, therefore, been made by the learned counsel that since all the material witnesses stand examined and, as already urged, no incriminating evidence has come to the fore against the petitioner during trial, he be extended the concession of bail as 14 prosecution witnesses still remain to be examined and there could be no apprehension now of the petitioner intimidating/influencing the witnesses.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Sukhwinder Singh, has not disputed that the petitioner has been in custody since 15.01.2023 in a case resting on circumstantial evidence. It has also not been disputed, on instructions, that the motive to commit the crime in question had been spelt out by PW-8 Sunny, who had been declared hostile by the prosecution during trial. It has also not

been disputed by the learned State counsel, on instructions, that all the material witnesses stand examined.

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

5. The instant case rests on circumstantial evidence. The motive, which plays a significant role in cases resting on circumstantial evidence, was purportedly spelt out by PW-8 Sunny, however, the said witness resiled during trial, leading to him being declared hostile. The trial would still take some time to conclude as 14 prosecution witnesses still remain to be examined.

6. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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 9, 2025

rps

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