



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

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CRM-M-16320-2025

Date of decision: April 29th, 2025

Sandeep @ Sanjay

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh and Mr. Gourav Kaushal, Advocates
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the forth petition filed by the petitioner seeking the concession of regular bail in FIR No.11 dated 18.02.2023 registered under Sections 323, 324, 307, 341, 148, 149, 302, 325 of the Indian Penal Code, 1860, at Police Station Nurmahal, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that although it is alleged to be an eyewitness account, however, both the material witnesses i.e. complainant and injured Sushil Kumar while stepping into the witness box had not supported the case of the prosecution, as a result of which they both were declared hostile. It has been still further argued by the learned counsel that a perusal of the FIR, which has been annexed as Annexure P-1, reveals that the petitioner was not named therein, even though the other co-accused had been specifically

named and attributed a role in the crime in question. Learned counsel has submitted that in the facts and circumstances, since the material witnesses already stand examined, coupled with the fact that petitioner has no previous criminal antecedents, further incarceration of the petitioner would serve no useful purpose.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by counsel opposite has not disputed that the petitioner has been in custody since 25.02.2023 and both the material witnesses i.e. the complainant Manpreet Singh, who allegedly witnessed the occurrence in question as well as PW Sushil Kumar (stamped witness) had been declared hostile during trial. On further instructions, learned State counsel has also not disputed that other than these two material witnesses, there are no other material witnesses remaining to be examined. However, learned State counsel has reiterated the allegations levelled in the FIR in question and submitted that although the petitioner was not named in thew FIR in question, he was one of the unknown assailants, who had accompanied the co-accused; the petitioner's name surfaced during interrogation of co-accused Jimmy, who was named in the FIR in question and who actively participated in the crime in question and also inflicted multiple injuries on the person of the deceased as well as injured Sushil Kumar.

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

5. The petitioner has been in custody for more than two years having been arrested on 25.02.2023. The instant case is based on eyewitness account, however, as conceded by learned State counsel, on instructions, the eyewitnesses including the stamped witness and

complainant were declared hostile during trial. Since 38 prosecution witnesses remain to be examined, the trial is unlikely to conclude in the near future.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail 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.

7. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 29th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No