

2025:PHHC:002024



255.

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

CRM-M-64739-2024

Date of decision: 09.01.2025

Harpreet Singh @ Happy @ Sohara

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manuwant Singh Chabba, Advocate and
Mr. Nikhil Thamman, Advocate and
Ms. Sunaina, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.101, dated 21.05.2022, under Sections 302, 379 IPC (Sections 392, 201, 34 IPC added lateron), registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that the present case rests on circumstantial evidence. The complainant, while lodging the FIR in question, did not raise any suspicion qua the involvement of the petitioner in the murder of Ranjit Singh (hereinafter referred to as 'deceased'); it was after three months of the alleged occurrence, petitioner came to be nominated as an accused on the basis of a statement made by two alleged witnesses of last scene i.e. PWs-Mandeep Singh and Barjinder Singh. Both these star witnesses although while stepping into the witness-box had

supported the case of the prosecution, however, it was indigestible as to why these two material witnesses chose to keep mum about the alleged involvement of the petitioner in the murder of the deceased for three months after he went missing. It has also been submitted by the learned counsel that other than these two material witnesses, there is no other material witness remaining to be examined and 18 prosecution witnesses still remain to be examined. Hence, the possibility of the trial concluding in the near future looks remote.

Per contra, learned State counsel, while opposing the prayer, has not controverted that the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement in the alleged murder of the deceased, however, it has been submitted, on instructions, that there was a history of strained relations between the deceased and the petitioner which led to the murder of the deceased. It has been contended that the deceased was assaulted and then thrown into the canal.

On a pointed query put to learned State counsel, it has also not been disputed that although as per the statements recorded under Section 161 Cr.P.C. by PWs-Mandeep Singh and Barjinder Singh, they had last seen the deceased in the company of the accused including the petitioner, however, it was only after three months of the registration of the FIR, they chose to give their statements that the deceased was assaulted and thrown into the canal.

Learned State counsel, on further instructions, has not disputed the custody period of the petitioner nor has it disputed that all the material

witnesses in the present case stand examined with 18 witnesses still remaining to be examined.

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

The petitioner has been in custody since 07.09.2022 in a case resting on circumstantial evidence, the trial is unlikely to conclude in the near future as 18 witnesses still remain to be examined by the prosecution; both material witnesses of last scene already stands examined, hence there can be no apprehension of the petitioner intimidating/ influencing the witnesses.

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.

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

(MANJARI NEHRU KAUL)
JUDGE

January 09, 2025
sanjeev

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