

204-2

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

CRM-M-12051-2015

Date of decision: 24.08.2015

Makhtool Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Ms. G.K. Mann, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in cross-version case recorded vide DDR No.26 dated 12.12.2014 under Sections 302, 307, 324, 452, 427, 148, 149 IPC and Sections 25, 27 of Arms Act in case FIR No.261 dated 12.12.2014 under Sections 302, 307, 324, 452, 427, 148, 149 IPC and Sections 25, 27 of Arms Act, registered at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner submits that no injury has been attributed to the petitioner. Although the allegation levelled against the petitioner was that, he was armed with a sword, but no sword injury was found on the person of the deceased. Mere presence of the petitioner at the time and place of occurrence will not ipso facto make him the accused. He concluded by submitting that since the prosecution evidence has just started, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Tajinder Singh, Police Station Lopoke, District Amritsar, submits that the petitioner was armed with a deadly weapon. His presence at the time and place of occurrence has been duly established on record. In such a situation, petitioner would be equally liable for the commission of crime. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because it is a matter of record that no injury has been attributed to the petitioner. His mere presence at the time and place of occurrence would not dis-entitle the petitioner at least for the concession of bail pending trial. Since the prosecution evidence has just started, conclusion of trial will also take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

24.08.2015
vishnu