

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-1630-2015
Date of decision:16.7.2015

Sakkattar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.C.S.Bakshi, Advocate for the petitioners.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek bail pending trial in FIR No.292 dated 4.8.2014 registered under Sections 307, 148 and 149 of the Indian Penal Code and under Section 25 of the Arms Act at Police Station, Civil Lines, Amritsar.

Learned counsel for the petitioners, at the very outset, submits that since affidavit dated 10.7.2015 has been filed by the Assistant Commissioner of Police, North, Amritsar City, the order dated 24.4.2015 passed by this Court stands complied with, even on behalf of the petitioners because nothing more is required to be placed on record.

Coming to the merits of the case, learned counsel for the petitioners submits that none of the petitioners was named in the impugned FIR nor anything has been recovered from them. So far as the other FIRs against the petitioners were concerned, the affidavit dated 10.7.2015 makes it clear that either the petitioners were found innocent or cancellation

reports were filed by the investigating agency itself or petitioners have been already acquitted. No other criminal trial is pending against any of the petitioners. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Sukhdev Singh, Police Station, Civil Lines, Amritsar, submits that although the petitioners were not facing any other criminal trial except the present one, in view of the affidavit dated 10.7.2015, yet because the involvement of the petitioners having been found in the present case, they are not entitled for bail pending trial. He further submits that even the charges have been framed against the petitioners and prosecution evidence has also been started today. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioners have been found entitled for bail pending trial. It is so said because none of the petitioners is facing any other criminal trial as sought to be argued by the learned counsel for the State on the last date of hearing. It is true that the petitioners were found involved in number of FIRs but as per the latest report placed before this Court by way of affidavit dated 10.7.2015, no criminal trial except the present one is pending against the petitioners. Either the petitioners were found innocent or cancellation reports were filed or the petitioners have been acquitted. In this view of the matter, it can be safely concluded that except the present case, the petitioners are not facing any other criminal trial. It is also a matter of record that none of the

petitioners was named in the FIR nor any recovery has been effected from the petitioners. In such a situation, participation of the petitioners in the commission of offence in question would be a debatable issue before the learned trial Court.

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, the instant petition is allowed. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

16.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE