

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-21200 of 2015 (O&M)
DATE OF DECISION : 10.7.2015

Jindu alias Harjinder Singh

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Vikram Chaudhary, Senior Advocate with Is.Isha Goyal,
Advocate for the petitioner.

Shri J.S.Sekhon, A.A.G. Punjab.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.136 dated 23.12.2012 under Sections 302,307,506,447,511,148,149 I.P.C. and Sections 25 and 27 of the Arms Act at Police Station Mamdot, District Ferozepur.

The facts indicate that a number of persons were named in the F.I.R. and ultimately when the challan was presented, it was presented only against ten persons. Against eight of the persons, challan was not presented. The persons who

faced the trial, were acquitted on account of the witnesses turning hostile. Even though the petitioner was amongst the eight persons against whom the challan was not filed, he was declared a proclaimed offender. The role attributed to him as per the F.I.R. is of giving a Dang blow to one of the witnesses. The petitioner is in custody since 9.4.2015.

It is contended by the learned counsel for the petitioner that once the witnesses have turned hostile and the persons who faced the trial, have been acquitted, the petitioner's case would certainly be on a better footing as no challan was presented against him. Besides, it is contended that some of the persons similarly situated as the petitioner being not named in the challan were also declared proclaimed offender and who approached this Court which directed them to surrender before the trial Court and in which eventuality their liberty was protected. It is thus contended that the petitioner who is in custody since April, 2015 deserves the concession of bail in the aforesaid circumstances.

Learned counsel for the State on instructions from ASI Karnail Singh contends that challan has still not been presented against the petitioner which would imply that the period of 90 days has elapsed. It would also entitle the petitioner to bail under Section 167(2) Cr.P.C.

On due consideration of the matter in totality and noticing the aforesaid facts which remain undisputed, I deem it appropriate to accept the petition and direct that the petitioner be released on bail to the satisfaction of the trial Court.

Nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

July 10, 2015
GD

(MAHESH GROVER)
JUDGE