

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

CRM-M-21304-2015

Date of decision: 24.08.2015

Gurtej Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mayank Mathur, Advocate
for the petitioner.

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

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.93 dated 05.07.2014 under Sections 307, 427 IPC and Sections 302, 120-B, 34 IPC (added later on), registered at Police Station Kotwali Nabha, District Patiala.

Learned counsel for the petitioner refers to the dying declaration of the deceased dated 05.07.2014 recorded by the learned Judicial Magistrate 1st Class (Annexure P-2) to contend that the deceased herself did not alleged any kind of allegation against the petitioner. Whatever was the allegation, that was against parents of the petitioner. He further submits that since prosecution evidence is still going on, conclusion of trial may take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Darshan Singh, Police Station Kotwali Nabha, District Patiala,

submits that out of 21 PWs, 10 have already been examined and three have been given up. Next date of hearing before the learned trial Court is 28.08.2015 and conclusion of trial will not take much time. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because a bare perusal of the dying declaration suffered by the deceased before the learned Magistrate at (Annexure P-2) would show that there was no allegation of any kind, whatsoever, against the petitioner.

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