

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25206 of 2015

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Date of decision:11.8.2015

Stalanjit Singh alias Sonu

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. D.S. Pheruman, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. M.S. Basra, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.53 dated 16.6.2012 (Annexure-P.1)
registered for the offences under Sections 302, 307, 323, 336, 148 and 149
IPC and Sections 25 and 27 of the Arms Act at Police Station Ghuman
Kalan, District Gurdaspur.

Notice of motion.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned
Deputy Advocate General, Punjab has put in appearance and accepted
notice on behalf of the respondent-State and Mr. M.S. Basra, learned
Advocate has appeared on behalf of the complainant and contested this

petition. Police record is also available.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that there are eight accused in this case, out of them five are already on bail. One accused is absconding and one accused is on anticipatory bail. As argued the main accused is Jagjit Singh, who had fired on the deceased from .32 bore revolver. He has already been granted bail by this Court vide order dated 24.4.2015 (Annexure-P.3). On the ground of parity, the present petitioner is also entitled to bail. Further more, the present petitioner is stated to be only armed with a hockey stick and no specific injury has been attributed to him.

Learned counsel for the State as well as learned counsel for the complainant argued that earlier the petitioner has remained proclaimed offender in this case.

Learned counsel for the petitioner on the other hand argued that three of the accused, who were declared proclaimed offenders, have also been granted bail. He has also placed on record copies of the orders granting bail to the co-accused.

The present petitioner is in custody since 25.8.2014. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case. Therefore, keeping in view the facts and circumstances of the present case and the fact that the

main accused has already been granted bail, I find merit in this bail petition.

Therefore, keeping in view the facts and circumstances of the present case, without expressing any opinion on the merits of the case and without going into the minute details of the facts, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond and surety to the satisfaction of Chief Judicial Magistrate, Gurdaspur.

August 11, 2015.

(Inderjit Singh)
Judge

hsp