

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

CRM-M-27606-2015

Date of decision: 02.09.2015

Harjit Singh Manhas @ Gollu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Guninder Singh Brar, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.26 dated 02.02.2014 under Sections 302, 307, 148, 149, 120-B, 427, 109 IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station City Khanna, District Ludhiana.

Learned counsel for the petitioner places reliance on two orders dated 27.01.2015 and 21.04.2015 passed by this Court, whereby two co-accused of the present petitioner were granted the concession of bail pending trial. He also places reliance on statements of PW1 Amrinder Singh @ Soni-complainant (Annexure P-1), statement of PW2 Manjinder Singh, eye-witness (Annexure P-2) and statement of PW3 Parambir Sal, alleged eye-witness (Annexure P-3), to contend that none of the material witnesses have supported the prosecution version. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gurcharan Singh, Police Station City Khanna, Ludhiana submits that the petitioner is not entitled for claiming parity on the basis of abovesaid two orders dated 27.01.2015 and 21.04.2015 passed by this Court, as Annexures P-3 and P-4. No recovery was effected from those two co-accused, whereas recovery of weapon has been effected from the present petitioner. So far as the statements of abovesaid three PWs are concerned, learned counsel for the State submits that although these three witnesses have not supported the prosecution version, which is a matter of record, yet some other witnesses are yet to be examined and this itself would not be a ground for bail to the petitioner. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, particularly three statements suffered by the injured-complainant as well as two other eye-witnesses at Annexures P-1, P-2 and P-3, 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 a matter of record that two co-accused of the petitioner were granted bail by this Court, vide Annexures P-3 & P-4. It is also a matter of record that material witnesses including the injured-complainant have not supported the prosecution version. Further, since the prosecution evidence is still going on, conclusion of trial will 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, instant 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.

02.09.2015

vishnu

[RAMESHWAR SINGH MALIK]
JUDGE