

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

**Criminal Misc. No. M-28682 of 2015
Date of decision: 05.10.2015**

Darbara Masih

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. R.S. Randhawa, Addl. AG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Darbara Masih for grant of regular bail in case FIR No.124 dated 22.12.2012 registered under Sections 302, 323, 148 and 149 of Indian Penal Code at Police Station Kalanaur, District Gurdaspur, Punjab.

Learned counsel for the petitioner submits that it is a case of version and cross version and five persons from the petitioner's side have also received injuries. The DDR in the case was recorded but the same was not investigated. Thereafter, a private complaint was filed, which is still pending. The petitioner is in custody for the last more than 2 years and 9 months and his co-accused have been

released on regular bail. Learned counsel also submits that there are total 17 prosecution witnesses and all material witnesses have been examined.

Learned State counsel on instructions from ASI Joseph has not disputed the custody period as well as the factum of examination of material witnesses but opposes grant of regular bail to the petitioner keeping in view the seriousness of the offence and the fact that the petitioner is the main accused.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the allegations levelled in the FIR.

Out of total 17 prosecution witnesses, five witnesses including complainant have been examined and there is no possibility that the petitioner may influence the other witnesses. The petitioner is in custody for the last more than 2 years and 9 months and his co-accused have been released on regular bail. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner (Darbara Masih) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

05.10.2015
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(DAYA CHAUDHARY)
JUDGE