

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-28713 of 2015

Date of Decision:-03.11.2015

Sonu @ Binder @ Bhinder

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. H.S. Dhindsa, Advocate for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

This is the second petition filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in complaint case (IPC Complaint No.167/6-6-13), titled as *“Paramjit Singh Vs. Gurdeep Singh and others”*, under Sections 302/34 IPC, in which the trial is pending before the learned JMIC, Hoshiarpur. The earlier bail application i.e. *Criminal Misc.No.-M-16226 of 2015* was withdrawn, as there was some typographical errors.

Learned counsel for the petitioner contends that the petitioner is in custody since 02.02.2015 and initially for the same incident FIR bearing No.52, dated 01.04.2013 for offence under Sections 304-A, 279, 337 and 427 IPC, was registered at Police Station, Sadar, Hoshiarpur. In the said FIR, the police has submitted the cancellation report. He further contends that now, on the basis of the statment of eye-witness, namely, Raj Kumar, the present complaint case has been filed by the father of the deceased, namely, Paramjit Singh,

Learned counsel for the complainant submits that the statement of eye-witness, namely, Raj Kumar cannot be disbelieved.

Taking into consideration the fact that the petitioner is in custody since 02.02.2015 and present is a complaint case, whereas in the same case, the police has already submitted cancellation report, the instant petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing of bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Hoshiarpur.

It is however, made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

November 03, 2015
Anjal