

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

CRM-M-28856-2015

Date of decision: 04.09.2015

Kulwinder Singh @ Sauki

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.87 dated 01.08.2014 under Sections 302, 307, 341, 427, 148, 149 IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He has been sought to be implicated by way of supplementary statement suffered by the complainant who happens the maternal uncle of the deceased, thus, an interested person. In spite of the said supplementary statement, no recovery has been effected from the petitioner so as to connect him with the commission of offence. He further submits that since prosecution evidence is yet to start, conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Satwant Singh, Police Station Sadar Sri Muktsar Sahib, submits that during the course of investigation, active role has been found to

be played by the petitioner in the commission of offence. Although no recovery has been effected from the petitioner but his involvement is very much established because of which he is not entitled for bail pending trial. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, 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 a matter of record that petitioner was not named in the FIR. It is also not in dispute that even after making the supplementary statement by the complainant, trying to implicate the petitioner, no recovery has been effected from him. Even in the supplementary statement suffered by the complainant, no overt act, as such, has been alleged against the petitioner. In such a situation, it will be a debatable issue before the learned trial Court whether the petitioner, as a matter of fact, played any role in the commission of crime or not. Further, since the prosecution evidence is yet to start, conclusion of trial will also 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, 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

04.09.2015
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