

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-29562 of 2015
Date of Decision : 10.9.2015

Sarabjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Ms. G.K. Mann, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.261 dated 12/12/2014 under Sections 302,307,324,452,427,148,149 IPC and Sections 25,27,54,59 of the Arms Act, registered at Police Station Lopoke, Distt. Amritsar.

Learned counsel for the petitioner places reliance on three orders passed by order passed by this court at Annexures P-1, P-2 and P-3, whereby his co-accused Jodha Singh was granted the concession of bail, vide order dated 24.8.2015 passed in CRM No.M-14870 of 2015. Two other persons namely; Jaspal Singh and Makhtool Singh, who were accused in the cross-version case have also been granted the concession of bail by this court. She further submits that the petitioner is identically placed, because of which he is entitled for concession of bail. She prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from S.I. Tajinder Singh, Police Station Lapoke, Distt. Amritsar, submits that case of the petitioner is not similar to above said his co-accused Jodha Singh. He further submits that the petitioner was very much named in the FIR, whereas Jodha Singh was not named in the FIR. He further submits that civil litigation was also going on between the deceased and the petitioner. He prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length and after careful perusal of the record of the case, this court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said, because although the petitioner has been named in the FIR, but no specific role has been attributed to the petitioner. This material fact could not be denied by learned counsel for the State and rightly so, it being a matter of record. 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 the merits of the case, 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 the learned trial court.

Disposed of, accordingly.

10.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

