

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-29716 of 2015
Date of Decision : 10.9.2015

Ramesh Singh @ Haresh Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Sidakmeet Singh Sandhu, 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.16 dated 1.3.2014 under Sections 302/34 IPC, registered at Police Station Mamdot, Distt. Ferozepur.

Learned counsel for the petitioner refers to the statements of complainant Jagir Singh as PW-1 and another eye-witness Smt. Thakaro Bibi as PW-2 (Annexure P-3) to contend that once these two material witnesses have not supported the prosecution version, petitioner is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Pawan Kumar, Police Station Mamdot, Ferozepur, submits that since there are specific allegations against the petitioner, which are serious in nature,

he is not entitled for bail pending trial.

Having heard learned counsel for the parties at length and after careful perusal of the record of the case, this court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said, because material witnesses, whosoever appeared before the learned trial court, including the complainant and eye-witness have not supported the prosecution version. 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, 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 the learned trial court.

Disposed of, accordingly.

10.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE

