

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

**CRM-M-30019 of 2015 (O&M)
Date of Decision: 21.9.2015**

Shushant Kumar @ Shanku

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. G.S.Brar, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 213 dated 11.8.2013 under Sections 307/458/324/506/120-B IPC, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He further submits that petitioner is inside the jail for the last more than 2 years and only 2 PWs have been examined so far, because the complainant is residing abroad. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Kewal Singh, submits that keeping in view the nature of offences committed by the petitioner, he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because once the prosecuting agency has examined only 2 PWs despite the lapse of about 2 years, conclusion of trial is going to take long time. The reason is that the complaint herself does not seem to be interested any further in pursuing the present case, as she is staying abroad.

In view of the above and without commenting anything on the merits of the case, at this stage, 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 learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

21.9.2015
AK Sharma