

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-30070 of 2015

DATE OF DECISION: 20.10.2015

Jaggu @ Kanwarpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Raman Sharma, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 352 dated 29.12.2012 registered under Sections 307/323/324/427/148/149 IPC and 25/27/59 of Arms Act at Police Station Nakodar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner was not named by the complainant and only the injured had named him that too after a period of ten days from the date of occurrence. Challan has already been presented and statement of complainant-Gurwinder Singh (PW-1) has been recorded, wherein, in his cross-examination he has stated that his signatures were obtained by the police in the hospital on blank papers and he never saw the accused-petitioner and even has not

identified the petitioner. Learned counsel further submits that the injured has died during the pendency of the proceedings. Co-accused of the petitioner, namely, Ninder Singh has been granted interim anticipatory bail by this Court, which has been made absolute on 19.5.2014. The petitioner is in custody since 4.8.2014, trial will take long time to conclude and no purpose would be served by keeping him in custody.

Learned counsel for the respondent-State has not disputed the custody period as well as the fact that the petitioner was not named by the complainant and has been named by injured subsequently.

In view of the submissions made by learned counsel for the petitioner and also the fact that the petitioner was not named by the complainant; has been named subsequently by the injured; nothing has been mentioned with regard to role of the present petitioner in the statement of complainant-Gurwinder Singh (PW-1); even the complainant has not identified the petitioner; injured has died during the pendency of the proceedings; the petitioner is behind the bars since 4.8.2014 and there is no possibility that the petitioner may influence other witnesses, the present petition is allowed. Petitioner, namely, Jaggu @ Kanwarpal Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 20, 2015
pooja

(DAYA CHAUDHARY)
JUDGE