

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

CRM-M-30393 of 2015(O&M)
Date of decision : 01.12.2015

Buta Singh @ Boota Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H. S. Gill, Sr. Advocate with
Mr. Vivek Goel, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with HC Charanjit Singh

Ms. Kavita Arora, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.51 dated 06.09.2014, registered under Sections 306 and 120-B of the Indian Penal Code (for short 'IPC'), at Police Station Bariwala, District Sri Muktsar Sahib.

The learned counsel for the petitioner contends that the co-accused Ravinder Singh and Paramjit Kaur have already been admitted to bail by the trial Court. The petitioner is in custody since 11.09.2014. Now, the application under Section 319 Cr.P.C. has been moved for summoning Paramjit Singh, Advocate. The learned counsel refers to zimni order dated

04.11.2015 whereby no PW has come present and the trial is not progressing. He further states ingredients of Section 306 IPC are not made out against the petitioner.

The learned counsel for the complainant submits that the petitioner is an influential person and states that in case, the petitioner is admitted to bail, the complainant will not be able to defend himself.

On the other hand, the learned State counsel opposes the bail and states that out of 12 witnesses, 2 witnesses have been examined so far.

I have heard the learned counsel for the parties and perused the record.

Keeping in view the fact that co-accused have been admitted to bail; the fact that the petitioner is in custody since 11.09.2014; there are instances, when the PWs could not be examined on account of their absence from the Court and out of 12 witnesses, 2 witnesses have been examined so far, therefore, it can be safely inferred that the *de novo* trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.12.2015

ashok

ASHOK KUMAR
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I attest to the accuracy and
authenticity of this document

(JITENDRA CHAUHAN)
JUDGE