

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-31102 of 2015

DATE OF DECISION: 08.10.2015

Dharminder Singh @ Raju

.....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. Vivek Salathia, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, 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. 206 dated 8.11.2013 registered under Sections 307/34 IPC and 25/27/54/59 Arms Act at Police Station Moga City, District Moga.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case due to enmity with his brother/complainant. The petitioner never fired upon the complainant but due to earlier enmity, the present FIR has been registered against him. Learned counsel further contends that after recording the statement of the complainant, an application under Section 319 Cr.P.C. was moved by the prosecution, which was allowed on 23.1.2015. Thereafter de novo trial was

started. Learned counsel also contends that the person who has been summoned as an additional accused has been allowed anticipatory bail. There are total 12 prosecution witnesses and after allowing the application under Section 319 Cr.P.C., even a single witness has not been examined. The petitioner is in custody since 18.11.2013.

Learned counsel for the respondent-State has not disputed the custody period and the fact that after allowing the application under Section 319 Cr.P.C., not even a single witness has been examined so far.

In view of the submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody since 18.11.2013; one of the accused has been declared proclaimed offender; after allowing the application under Section 319 Cr.P.C, not even a single witness has been examined so far and it would be de novo trial, the present petition is allowed. Petitioner, namely, Dharminder Singh @ Raju is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 08, 2015
pooja

(DAYA CHAUDHARY)
JUDGE