

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

CRM No.M-31275 of 2015

Date of decision: 18.09.2015

Amit Bahadur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Nitin Thatai, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Gurmohan Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in case FIR No.62, dated 05.07.2014, registered under Sections 381, 382, 328, 395 and 120-B IPC, at Police Station Haibowal, Ludhiana.

It is contended that the petitioners have been falsely implicated in the present case which is apparent from the material contradictions in the statement of Ram Badan recorded on 06.07.2014, under Section 161 Cr.P.C., with regard to the identity of the petitioners. In the first statement, the name of the petitioners has not come and in the second statement recorded on the same day, they have been named. He further refers to the cross examination of Ram

Badan, wherein he has categorically admitted that the petitioners were not known to him. The petitioners are in custody since July, 2014.

On the other hand, the learned State counsel opposes the prayer of bail and states that petitioners are named in the FIR. The challan stands presented; charges have been framed, out of total 15 witnesses, five have been examined so far.

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

Keeping in view the contradictions in the three versions of Ram Badan and the fact that the petitioners are in custody since July, 2014; the challan stands presented; out of total 15 witnesses, only five have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, 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 their furnishing bail bonds and 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.

18.09.2015

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(JITENDRA CHAUHAN)
JUDGE