

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-33525-2015
Date of decision: 7.10.2015

Sahib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Veneet Sharma, Advocate for the petitioner.
Ms. Anmol Grewal, AAG, Punjab.
Mr. H.S. Sangha, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in cross-version case recorded vide DDR No.26 dated 12.12.2014 under Sections 302, 307, 324, 452, 427, 148 and 149 IPC and under Sections 25 and 27 of the Arms Act in FIR No. 261 dated 12.12.2014 under Sections 302, 307, 324, 452, 427, 148 and 149 IPC and under Sections 25 and 27 of the Arms Act registered at Police Station Lopoke, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner submits that no specific attribution is there against the petitioner. Allegations against the petitioner were general in nature. In identical situation, co-accused of the petitioner was granted the concession of bail by this Court vide order dated 24.8.2015 passed in CRM-M-12051-2015 (Makhtool Singh v. State of Punjab), who was also an accused in the cross-version case like the petitioner. He further submits that since the prosecution evidence has just started, conclusion of the trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submit that case of the present petitioner is not identical with his above-said co-accused namely Makhtool Singh. Recovery has been effected from the petitioner. Since there is no delay in trial at the hands of the prosecution, petitioner is not entitled for bail pending trial, at this stage. They pray for dismissal of the instant petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has also been found entitled for bail pending trial. Despite making their best efforts, learned counsel for the State as well as learned counsel for the complainant could not distinguish the case of the present petitioner from that of his co-accused namely Makhtool Singh, who was granted the concession of bail by this Court vide above-said order dated 24.8.2015. It is also true that since prosecution evidence has just started, conclusion of the trial will take some time.

In view of the above and without commenting anything further on merits of the case, at this stage, lest it should prejudice the rights of either of the parties, the 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.

7.10.2015

mks

MUKESH KUMAR SALUJA
2015.10.07 17:30
I attest to the accuracy and
authenticity of this document.

(RAMESHWAR SINGH MALIK)
JUDGE