

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-34258 of 2015

DATE OF DECISION: 01.12.2015

Sakattar 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. Ashish Gupta, Advocate
for the petitioner.

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

Mr. SPS Sidhu, Advocate
for the complainant.

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. 31 dated 30.3.2014 registered under Sections 302,392,506,148,149 IPC and Sections 25,27,54,59 of Arms Act and later on added Sections 341 and 120-B IPC at Police Station Jaitu, District Faridkot.

Learned counsel for the petitioner contends that as per allegations in the FIR, the petitioner was only accompanying the accused persons and neither any overt act nor any injury has been attributed to him. As many as 18 persons have been implicated in the case and the petitioner is in custody for the last more than one year and eight months. Even in the statement of the complainant recorded before the Court, nothing has come on record. Thereafter an application under Section 319 Cr.P.C. has been

moved, which is pending consideration for the last six months. Learned counsel also contends that in case that application is allowed then it will be a de novo trial and no purpose would be served by keeping the petitioner behind the bars. Co-accused of the petitioner, namely, Sukhjinder Kaur has already been granted regular bail vide order dated 22.9.2015.

Learned counsel for the respondent-State has not disputed the custody period as well as the factum of release of co-accused on regular bail by this Court but opposes grant of bail to the petitioner on the ground of seriousness of the offence.

Learned counsel for the complainant has also opposed grant of bail to the petitioner on the ground that the role of the petitioner cannot be compared with the co-accused, who has been released on regular bail.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations in the FIR and statement of the complainant as well.

As per allegations in the FIR, the petitioner was accompanying the other accused only and no active role has been played by him. In a case where Sections 148 and 149 IPC have been added, the individual role is not to be seen but as the application filed under Section 319 Cr.P.C. is still pending, and in case it is allowed, it would be a case of de novo trial. The petitioner is in custody for the last more than one year and eight months and no purpose would be served by keeping him in custody, the present petition is allowed. Petitioner-Sakattar Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 01, 2015
pooja

(DAYA CHAUDHARY)
JUDGE

