

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

CRM-M-34512 of 2015

Date of Decision: 11.12.2015

Avtar Singh @ Ajgar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Pawan Hooda, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 62 dated 15.4.2014 unde Sections 307/458/324/326/426/148/149 IPC, registered at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He further submits that petitioner was sought to be implicated by the injured on the basis of a statement suffered by him before the police after a period of about one week from the date of alleged occurrence. No injury has been attributed to the petitioner. Petitioner was empty handed. He also submits that petitioner is inside the jail for the last more than 11 months and since prosecution evidence is yet to start, conclusion of trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Panna Lal, submits that petitioner is a habitual offender, as he is facing as many as nine FIRs besides present one.

He fairly states that although the petitioner was not named in the FIR, yet his specific role was disclosed by the injured in his statement suffered before the police after about one week of the date of occurrence. Once an active participation of the petitioner is duly established on record, he is not entitled for bail pending trial, at this stage. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because petitioner was not named in the FIR. No injury has been attributed to the petitioner. In such a situation, it shall be a debatable issue before the learned trial court whether the petitioner, as a matter of fact, played any role in the commission of crime alleged against him or not. Further since prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting any further on merits of the case, lest it should prejudice the case of either side, at a later point of time, 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.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma