

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

CRM-M- 36610 of 2015

Date of Decision: December 10, 2015

Avtar Singh

....Petitioner

Versus

State of Punjab.

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. A.S.Rai, Advocate, for the petitioner.

Mr.Shilesh Gupta, Addl.A.G.,Punjab

Rajan Gupta, J (Oral)

This is a petition under Section 439 Cr.P.C seeking regular bail in a case vide FIR No.93 dated 1.7.2014 registered against the petitioner under Sections 302, 148, 149 IPC and Section 25/27 of Arms Act at Police Station, Kot Ise Khan, District Moga.

Learned counsel for the petitioner submits that no overt act is attributed to the petitioner. Only allegation is that at the time of occurrence, he was present at the spot armed with a sharp edged weapon (gandasa). Material prosecution witnesses have been examined. Petitioner is in custody since 2.7.2014.

Prayer has been opposed by learned State counsel on the ground that petitioner accompanied the other accused due to which Sections 148 & 149 were included in the FIR.

Keeping in view the role attributed to the petitioner and his period of incarceration, I am of the considered view that no useful purpose would be served by detaining the petitioner any longer. Trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of trial court.

**(Rajan Gupta)
Judge**

December 10, 2015
BB