

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

**Criminal Misc. No. M-38153 of 2015
Date of decision: 20.11.2015**

Nirmal Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers 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. G.S. Verma, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of the petitioner-Nirmal Singh for grant of regular bail in case FIR No.38 dated 15.05.2013, registered under Sections 302, 449, 201, 148, 149, 120-B of Indian Penal Code and Section 25 of the Arms Act at Police Station Tappa Mandi, District Barnala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no role has been attributed to him. The petitioner has been implicated only on the basis of supplementary statement and he was arrested on 13.06.2013. There was no connecting evidence against him. There was a dispute between two groups of persons regarding possession

of the land and the petitioner has nothing to do with that dispute. There is no involvement of the petitioner even in said incident. The complainant did not mention the petitioner in his statement dated 15.05.2013 and in the supplementary statement recorded before the Police under Section 161 Cr.P.C. on 16.08.2013. Learned counsel also submits that co-accused of the petitioner, namely, Jaspal Singh @ Mohna has been released on regular bail by this Court vide order dated 26.02.2015. The petitioner is in custody since 13.06.2013. Out of total 49 prosecution witnesses, only two have been examined and trial may take long time to conclude.

Learned State counsel has not disputed the custody period as well as the factum of grant of regular bail to co-accused.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner has been involved only on the basis of supplementary statement as his name was not mentioned by the complainant; he is in custody since 13.06.2013; his co-accused has been released on regular bail vide order dated 26.02.2015; out of total 49 witnesses, only two have been examined; trial may take long time to conclude and no purpose would be served by keeping him behind the bars, the present petition is allowed and the petitioner (Nirmal Singh) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

20.11.2015
neetu

(DAYA CHAUDHARY)
JUDGE