

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

CRM-M-38545-2015
Date of decision:30.11.2015

Deepak Kumar @ Dipu

...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.Sandeep Chopra, Advocate for the petitioner.
Mr. Daljeet Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.193 dated 19.8.2015 registered under Sections 306 and 34 IPC at Police Station Jandiala Guru, District Amritsar Rural.

Learned counsel for the petitioner submits that in view of the averments taken by the deceased himself in his duly sworn affidavit (Annexure P-4) and also the passport, the allegations levelled against the petitioner in the FIR are factually incorrect. She further submits that since challan has not been framed so far, conclusion of trial will take time. She prays for allowing the present petition.

On the other hand, learned counsel for the State submits that since the allegations levelled against the petitioner were direct and serious, he is not entitled for bail pending trial. He prays for dismissal of the instant petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said, because in view of the affidavit (Annexure P-4) and also the passport of the deceased, it shall be a debatable issue as to whether the petitioner, as a matter of fact, participated in the commission of offence or not.

In view of the above and without commenting anything further on merits, 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.

30.11.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE