

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

**CrI.Misc.No.M-39464 of 2014
Date of Decision : 13.3.2015**

Malkit Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Veneet Sharma, Advocate
for the petitioners.

Mr. PJS Hundal, A.A.G. Punjab.

Mr. PBS Goraya, Advocate
for the complainant.

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MAHESH GROVER, J.

This is a petition under Section 439 Cr.P.C. praying for release of the petitioners on bail in terms thereof in a case registered vide FIR No.37 dated 16.3.2013 under Sections 302, 148, 149 IPC, at Police Station Lopoke, Amritsar Rural, District Amritsar.

The petitioners were not challaned but summoned subsequently by the learned trial Court in exercise of jurisdiction under Section 319 Cr.P.C. The role attributed to both the petitioners is of catching hold of the deceased while the main accused Sukhdeep Singh gave a blow with knife resulting in the death of the deceased.

Learned counsel for the petitioners contends that apart from the fact that the petitioners have been in custody for the last four months, they have been falsely implicated and the role of catching the deceased attributed to them was found to be incorrect by the police. It is thus contended that the tendency of the complainant to aggravate the offence by involving more persons from the accused side cannot be ruled out.

Learned counsel for the respondent and the complainant pointed out to the fact that the petitioners had way laid the deceased and immobilized him while a fatal blow was inflicted upon him by the co-accused.

On due consideration, I am of the view that since the petitioners have already spent four months in custody and noticing the fact that initially the petitioners were not challaned by the police but were summoned under Section 319 Cr.P.C. and also the fact that the fatal blow has not been attributed to them, I would deem it appropriate to accept the present petition and direct the petitioners to be released on bail in terms of Section 439 Cr.P.C. subject to the satisfaction of the learned trial Court.

13.3.2015

(MAHESH GROVER)
JUDGE

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