

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

CRM No.M-41543 of 2014 (O&M)

Date of decision: 13.2.2015

Tota Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S Brar, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab assisted by
H.C Harpal Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.17, dated 27.2.2012, registered under Sections 307, 120-B IPC and under Sections 25,27,54 of Arms Act, at Police Station Nihal Singh Wala, District Moga.

The learned counsel for the petitioner contends that the petitioner is not named in the FIR and he has been implicated in the present case at the strength of extra judicial confession made before PW-4 Jasbir Singh, who has not supported the case of the prosecution and was declared hostile. The earlier bail application of the petitioner was dismissed on the statement, which is against the

record. The petitioner is in custody since 23.7.2012.

On the other hand, the learned State counsel conceded to the extent that the gun shot injuries are attributed to Birbal Singh and Butta Singh and not to the petitioner.

Heard.

Considering the fact that the order dated 9.4.2014 was passed primarily on the ground that two gun shots were attributed to the petitioner, which is against the record, custody period and the fact that the petitioner is not named in the FIR and the PW 4 Jasbir Singh has not supported the case of the prosecution, without advertent to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

13.02.2015

PA

(JITENDRA CHAUHAN)
JUDGE