

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

CRM-M-41665-2015

Date of decision: 15.12.2015

Balwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.196 dated 22.11.2014 under Sections 302, 307, 323, 148, 149 IPC and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner submits that no injury has been attributed to the petitioner. He did not cause any injury either to the deceased or even to any of the injured or any witness. He further submits that the person who were attributed the fatal injury were found innocent by the investigating agency itself. Thereafter, another accused was introduced namely Dhanna Singh who has been granted the concession of bail by the learned trial Court itself. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Bikram Singh, Police Station Makhu, Ferozepur, submits that since the petitioner is the main accused, he is not entitled for bail pending trial, at this stage. He further submits that civil litigation was pending between the

deceased and the petitioner. This was the reason that the petitioner had a motive to commit the offence in question. It was the petitioner who raised lalkara and instigated the two other persons to cause injury on the person of the deceased. He prays for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in the given fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. It is so said because as per the stand on behalf of the respondent-State, it is Dhanna Singh who is main accused and he is also on regular bail. It is also a matter of record that no injury has been attributed to the petitioner either to the deceased or to any witness. Further, since the prosecution evidence is yet to start, conclusion of trial will take time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, 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.

[RAMESHWAR SINGH MALIK]
JUDGE

15.12.2015
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