

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

**Criminal Misc. No. M-8526 of 2015 (O&M)
Date of Decision: 1.4.2015**

Sandeep Kumar @ Ravi Kumar

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Kulbir Singh Sekhon, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 77 dated 19.6.2013 under Sections 324/323/341/148/149 IPC (later on Sections 307/325 were also added), registered at Police Station Lambi, District Sri Muktsar Sahib.

Notice of motion.

On the asking of the Court, Ms. Anmol Grewal, AAG, Punjab, accepts notice.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He further submits that once the petitioner was not named in the FIR, there was no scope of any allegation and attribution against the petitioner. He also submits that co-accused of the petitioner named by the complainant were exonerated by him during the course of investigation, which prima facie shows that complainant has been changing his stand from time to time, as per his suitability. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from H.C. Darshan Singh, Police Station Lambi, District Sri Muktsar Sahib, submits that initially, the case was registered under Sections 324/323/341/148/149 IPC and offences under Sections 307/325 IPC were added later on. She further submits that although the petitioner was not named in the FIR, yet during the course of investigation the complainant specifically named the petitioner because of which he is not entitled for bail pending trial. She prays for dismissal of the petition.

Having heard the learned counsel for the parties and after careful perusal of record of the case, this Court is of the considered opinion that keeping in view the fact situation of the case, petitioner deserves the concession of bail pending trial. It is so said, because the petitioner was not named in the FIR and the complainant has been changing his stand time and again.

In view of the peculiar facts and circumstances of the case noted hereinabove and without expressing any opinion on the merits of the case, 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/Duty Magistrate.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

1.4.2015
AK Sharma