

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

Crl.Misc.No.M-9414 of 2015

Date of decision : 8.4.2015

Diwan Chand and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Girish Agnihotri, Sr. Advocate with
Mr. Amrik Singh, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Paras Talwar, Advocate
for the complainant.

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MAHESH GROVER, J.

This is a petition for bail under Section 439 Cr.P.C. in terms thereof in a case registered vide FIR No.41 dated 21.4.2014 under Sections 302, 452, 34, 120B IPC at Police Station Nurpur Bedi, District Rupnagar.

The petitioners were initially declared innocent by the police and placed in column no.2 but have been summoned by the learned trial court in exercise of powers under Section 319 Cr.P.C. On a prior occasion this Court had directed the petitioners to submit themselves to the jurisdiction of the learned trial court

which they did and made an application for regular bail which now stands dismissed resulting in the present petition.

Learned counsel for the petitioners would contend that the police had initially declared them innocent and no fresh material has come on record except for the testimony of the complainant which is in accordance with the allegations set out in the FIR. It is thus contended that the petitioners who in any case are willing to abide by the trial deserve the concession of bail particularly when the entire investigation stands concluded with the trial in progress. It is contended that keeping the petitioners in custody is unlikely to serve any useful purpose.

The prayer has been opposed by the learned counsel for the complainant, who states that there is a specific role attributed to the petitioners in causing injuries to the deceased which has been reiterated by the complainant himself and the petitioners have been let off by the police only on account of their political clout.

Be that as it may, noticing the fact that the trial is in progress and the petitioners are willing to abide by the terms of the trial and also noticing that at this stage of the proceedings incarcerating the petitioners is unlikely to serve any useful purpose, I deem it appropriate to accept the present petition and direct that the petitioners be released on bail in terms of Section

439 Cr.P.C. to the satisfaction of the learned trial Court.

The trial court is cautioned to ensure heavy sureties so as to obviate the chances of the petitioners absconding or interfering with the trial in any manner. The court would also be at liberty to pass any other order in the given set of circumstances to ensure that the witnesses of the case are ensured their safety. Any deviant behaviour of the petitioners in this regard would be construed to be an attempt to interfere in the course of justice inviting consequences of cancellation of bail.

Petition allowed.

8.4.2015

(MAHESH GROVER)
JUDGE

dss