

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

CRM-M-10529-2016 (O&M)

Date of decision : 20.09.2016

Jagsir Singh @ Giani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nandan Jindal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Major Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.49 dated 27.03.2014, registered under Sections 307, 427, 120-B and 148 read with Section 149 of the Indian Penal Code and Section 25 of the Arms Act, registered at P.S. City Sunam, Distt. Sangrur.

Contents that the petitioner is not named in the initial version recorded at the behest of Jagseer Singh @ Jaggi, the alleged eye-witness, which formed the basis of the instant FIR. The injured, namely, Mukesh Kumar, named the petitioner in his statement recorded after three days of the alleged occurrence. The persons named in the initial version have been declared innocent by the investigating agency. Learned counsel has

supplied true copies of various zimni orders to contend that the trial is not progressing as no prosecution witnesses came present for recording their evidence.

On the other hand, learned State counsel, on instructions, submits that the petitioner is involved in as many as thirteen more FIRs. Out of thirty four prosecution witnesses, three already stand examined. She has also filed status report by way of affidavit of Deputy Superintendent of Police, Sub Division, Sunam, which is taken on record.

Heard.

The petitioner is not named in the FIR recorded at the instance of eye-witness, Jagseer Singh @ Jaggi. His name has appeared in the subsequent statement of injured Mukesh Kumar, recorded after three days of the alleged occurrence. It is also informed that the injured witness has already been declared proclaimed offender in another case. The trial is not progressing. The petitioner is in custody for the last about two years. Co-accused Ajaib Khan, Fateh Singh @ Yuvraj Singh, Baljinder Singh @ Kinda and Navdeep Singh @ Chatha, have already been released on bail by this Court. Therefore, this Court feels that no useful purpose would be achieved by keeping in petitioner under further incarceration. As regards the other cases, it is informed that out of thirteen FIRs, the petitioner has earned acquittal in two, whereas, he is on bail in the remaining cases.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No