

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

CRM-M-19179-2016 (O&M)
Date of decision : 09.09.2016

Parminder Singh @ Judge

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.G. Chaudhry, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by SI Devinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.79 dated 09.06.2014, registered under Sections 302 and 201 read with Section 34 of the Indian Penal Code, at Police Station, Payal, Distt. Ludhiana.

Contents that the only allegation against the petitioner is that he made confessional statement before PW-4, Kesar Singh whose testimony is attached as Annexure P-3, wherein, he has categorically stated that no such statement was made in his presence. He further stated that he does not even know the petitioner. The petitioner is in custody since 13.06.2014.

On the other hand, learned State counsel has opposed the instant petition.

Heard.

This is the second bail petition moved by the petitioner under

ATUL SETHI
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authenticity of this document
Chandigarh

Section 439 Cr.P.C. The first bail petition was dismissed as withdrawn as PW-4, Kesar Singh, was yet to be examined.

Considering the facts that the complainant in the instant case is not the eyewitness; PW-4, Kesar Singh has not supported the case of the prosecution; and petitioner is in custody since 13.06.2014, without adverting 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.

09.09.2016
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(JITENDRA CHAUHAN)
JUDGE

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