

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-22121-2016 (O&M).
Decided on: September 9, 2016.

Kulwant Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.S.P.S.Sidhu, Advocate,
for the petitioner.**

Mr.Jashanpreet Singh, DAG., Punjab.

**Mr.Liaqat Ali, Advocate,
for the complainant.**

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of regular bail by filing the present second application claiming that he has been in custody w.e.f. 9.6.2015 in a case registered at the instance of Gurdeep Singh alleging that on 1.6.2015, when the complainant along with his friend Manvir Singh was standing outside the shop, the petitioner came in a car and raised a lalkara and then fired four shots on account of which the complainant and Narottam Kumar suffered firearm injuries.

While disposing of earlier application for bail, this Court had directed that in case the trial is not concluded within a period of two months, the petitioner will be entitled to approach this Court again.

A period of six months has elapsed. Prosecution evidence has been concluded. Statement of ASI Karamjit Singh remains to be recorded.

Counsel for the petitioner submits that chance of tampering with the evidence is remote as complainant Gurdeep Singh has already been examined.

With the assistance of counsel for the petitioner and State counsel as well as counsel for the complainant, I have considered the facts and circumstances of the present case. The second injured-eye witness Narottam Kumar appears to have not supported the case of the prosecution raising a dual version regarding the involvement of the petitioner.

Without expression of any opinion on merits of the case, the petitioner in view of above circumstances can be released on bail as chance of tampering with the evidence or threatening the witness directly or indirectly, are absolutely remote.

The petition is allowed in view of the fact that petitioner is in custody for the last about 1 year and 2 months and is yet to produce his defence evidence. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to a specific condition that in case the petitioner indulges in any activity of breach of peace or tampering with the remaining evidence, it will be open to the prosecution agency/complainant to approach this Court for cancellation of the bail.

Nothing mentioned in this order will prejudice the right of the prosecution agency or the petitioner, in any manner, at the time of final adjudication of the case.

(M.M.S. BEDI)
JUDGE

September 9, 2016.
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