

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

CRM-M-2684-2016 (O&M)
Date of decision : 06.12.2016

Gobind Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

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

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.87 dated 02.08.2014, registered under Sections 302 and 148 read with Section 149 of the Indian Penal Code; and Section 25 of the Arms Act; at P.S. Sangat, Distt. Bathinda.

It is asserted that the present FIR was lodged at the instance of Navjot Singh, owner of the *dhaba*, wherein, he had named two persons, namely, petitioner-Gobind and Mangu, along with one unidentified person. Subsequently, on 05.08.2014, another statement was made by him wherein he exonerated Mangu and accordingly, he was declared innocent. The complainant made still another statement on 07.11.2014, wherein he introduced new name, i.e. Rammi. Learned counsel states that in fact, the complainant himself is the main accused. That is the consistent stand of the mother of the deceased, Bindro, as well. The petitioner is in custody since 10.10.2014.

On the other hand, learned State counsel acknowledges this factual aspect of the matter.

Heard.

Considering the consistent stand of the aggrieved person, i.e. the mother of the deceased viz-a-viz three contradictory statements by the complainant, which are duly acknowledged by learned State counsel and the fact that the petitioner is in custody since 10.10.2014, 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/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

06.12.2016
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(JITENDRA CHAUHAN)
JUDGE

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