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

CRM-M-27957 of 2015

Date of decision: August 22, 2016

Devender Singh @ Devender Chhabra @ Tintu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. J.S. Bedi, Senior Advocate with
Mr. Harpreet Mulatani, Advocate
for the petitioner.

Mr. Rajni Gupta, Addl. AG Punjab.

Mr. Vivek Goyal, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.29 dated 07.02.2015, under Sections 302, 120-B of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of the Arms Act, 1959, registered at Police Station City Kotwali, Faridkot, District Faridkot, petitioner was arrested on 15.07.2015 and is in jail since then.

Bail application of the petitioner is pending since 2015 and the trial is almost at the fag end.

Learned State counsel submits that out of the material witnesses, only doctor is to be examined on 09.09.2016 and remaining witnesses will be examined thereafter. Therefore, she submits that the trial would be completed within a reasonable period and therefore, the relief of bail should not be granted.

Similar is the contention raised by the learned counsel for the complainant who, in addition, submits that there is a strong evidence that has come before this Court in the form of extra-judicial confession of the mother of the deceased and the last seen theory and the conversation between the petitioner and other co-accused.

I have given careful thought to the entire matter and find that the petitioner only cannot be blamed for the pendency of the present bail application from the year 2015. Bail matter remained pending in this Court as can be seen from the various order sheets and for the reasons stated therein. It is not in dispute that all the material witnesses have been examined. I have perused the deposition of the mother and other witnesses produced on record and prima-facie I find that the petitioner deserves to be granted bail since all the material witnesses have been examined. Reliance placed by the learned counsel for the petitioner in the case of **Dr. Gokarakonda Naga Saibaba versus Staet of Maharashtra**, 2016 (2) RCR (Criminal) 675, decided on 04.04.2016, is apt in this context. In that case, Dr. Gokarakonda Naga Saibaba was prosecuted for the offences against the State and therefore, the offences were serious. However, the Apex Court did not grant bail till the completion of evidence of material witnesses, though, Dr. Gokarakonda Naga Saibaba had claimed that he was disabled and was on wheelchair and required special medical treatment from the Hospitals at Delhi. It is thus, clear that Supreme Court did not grant bail even on the medical ground, though, he was disabled. The Supreme Court, however, granted him bail after completion of evidence of all the material witnesses which is evident from the Para-2 of the said judgment. The present case seems to be on better footings and therefore, I am inclined to grant bail to the petitioner looking to the prima-facie the quality of the evidence.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/trial Court concerned. Petitioner shall not tamper with the prosecution evidence and shall not threaten prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

August 22, 2016
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No