

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

**CRM-M-33557-2016
Date of Decision :03.12.2016**

Gurcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amrindra Partap Singh, Advocate for
Mr. Gurnam Singh, Advocate for the petitioner.

Mr. Gurveer Sidhu, Assistant Advocate General, Punjab.

FATEH DEEP SINGH, J. (ORAL)

The allegations against the petitioner-Gurcharan Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 79 dated 15.10.2015 registered at Police Station Kheri Gandian, District Patiala under Sections 302, 201, 34 IPC, are that one Ajaib Singh had died and that now upon registration of the present case on 15.10.2015 has transpired that the petitioner with his co-accused were involved in the death of the deceased. The submissions put forth by the counsel that it was almost after 16 years, the allegations have come up and there is no semblance of evidence against him with the commission of the offence. Though on behalf of the State bail is opposed.

Keeping in view the own stand of the State that the only semblance of evidence against the petitioner is confession of the accused before the police and regarding which legality admissibility is subject matter of judicial adjudication.

The trial is not likely to be concluded in near future and in view of the yawning gap in the registration of this case and the alleged

occurrence, impels this Court to allow bail, as well as the fact that bail application of co-accused has been allowed by this court vide order dated 29.07.2016.

In view thereof and keeping in view that the culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars. Without adverting on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Patiala.

The petition stands disposed off.

(FATEH DEEP SINGH)
JUDGE

December 03, 2016

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No