

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M- 34736 of 2016
Date of Decision:-06.10.2016

Kamaljit

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.K.S. Khehar, Advocate for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

Mr.Anil Kumar Spehia, Advocate for the complainant.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.205, dated 05.11.2015, for offence under Sections 302/307/326/323/324/148/149/120-B IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station, Sadar, Distt. Jalandhar, during the pendency of trial.

Learned counsel for the petitioner contends that the petitioner is in custody since 06.11.2015 and his name does not figure in the FIR which was lodged at the behest of Injured-Lachhman Dass. It is only during investigation and on the basis of statement of witnesses, namely, Sandeep Kaler and Jiwan Kaler, the name of the petitioner has come into picture. In the statements, they have not attributed any injury to the

petitioner. He relies upon order of this Court passed in **CRM-M-22478 of 2016 titled as “Thakur Dass Vs. State of Punjab, decided on 12.07.2016,** wherein co-accused-Thakur Dass has already been admitted on regular bail. He also submits that the trial in the case will take sufficient long time, as against total 35 witnesses cited by the prosecution, only one has been examined so far.

Mr. Anil Kumar Spehia, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney in Court, which is taken on record. He submits that even if no injury has been attributed to the petitioner, but the petitioner was very much present at the scene of occurrence and, therefore, his participation cannot be taken lightly.

Learned counsel for the State, on instructions from ASI-Kamaljit Singh, has also argued on the similar length, as put forward by learned counsel for the complainant.

I have heard learned counsel for the parties.

The petitioner is in custody since 06.11.2015 and the trial in the case will take sufficient long time, as against total 35 witnesses cited by the prosecution, only one has been examined so far. It has also been brought to the notice of this Court that application under Section 319 Cr.P.C. for summoning the additional accused, namely, Balbir Singh was moved which may further prolong the trial and except his presence, no injury has been attributed to the petitioner.

Considering the fact that no injury has been attributed to the petitioner, the present petition is accepted. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the

satisfaction of the trial Court.

It is made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

06.10.2016
Anjal

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>