

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

Crl. Misc. No. M- 35062 of 2016

Date of Decision:-06.10.2016

Jatinder Pal Singh

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Atul Lakhanpal, Senior Advocate with
Mr.Gagandeep Singh, Advocate for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the third petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.109, dated 24.06.2015, for offence under Sections 307, 382, 328, 506 and Section 25, 27, 30, 54 and 59 of the Arms Act, registered at Police Station, City Moga, Distt. Moga, during the pendency of trial.

Learned Senior counsel for the petitioner contends that the earlier petition was dismissed as on that point of time, witnesses were not examined and now after dismissal of the last petition filed under Section 439 Cr.P.C. i.e. 25.01.2016, as against 19 witnesses cited by the proecution, as many as three witnesses have been examined. Learned Senior counsel while referring PW 1-Nirmal Singh, PW 2-Angrej Singh and PW 3-Sukhwinder Singh, submits that none of the prosecution witnesses has named the petitioner and no injury has been caused to any person which may attract Section 307 IPC. He also submits that the name of the petitioner has been surfaced on the basis of disclosure statement

made by the co-accused and there is no other case against the petitioner except the present one. He further submits that no cash amount was looted from the cash van and trial in the case will take sufficient long time to conclude, as out of 19 witnesses, only 03 have been examined so far.

Learned counsel for the State, on instructions from ASI- Amarjit Singh, submits that even if the witnesses so examined have not named the petitioner, but the petitioner was present at the seen of the occurrence and while taking advantage of the situation, he has fled away from the seen of the occurrence.

I have heard learned counsel for the parties.

The petitioner is in custody since 26.03.2016 and the trial in the case will take sufficient long time, as against total 19 witnesses cited by the prosecution, only 03 have been examined so far. Even, the witnesses examined so far have not named the petitioner and there is no other case against him except the present one.

Accordinlgy, present petition is accepted and the petitioner is ordered to be released on regular bail, subject to their 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

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No