

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-35068 of 2016

Date of decision : October 24, 2016

Alok Shah

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. MS Atwal, Advocate, for the petitioner

Mr. J.S.Brar, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Alok Shah in this second regular bail application under section 439 Cr.P.C. are that on 17.6.2012, the petitioner along with his co-accused non-applicant Rajeev, Joginder Kumar @ Malba @ Yogesh and Bharat @ Pandit had been instrumental in the death of deceased Raghu Nath brother of complainant Nathuni.

The contentions of Mr. Chadha, senior counsel are that the petitioner is neither named in the FIR nor any role is assigned to him and that it was subsequent stage after almost three months in supplementary statement of the complainant recorded on 29.9.2012 his name has cropped up and which too is not sufficient to rope in the petitioner. It is also contended that the petitioner was initially declared as innocent and that he is in custody since 12.11.2014.

The factual scenario is not disputed by the State counsel who has readily acceded to the same.

Keeping in view all this evidence, the substantive period of incarceration and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

The present petition stands disposed off accordingly.

October 24, 2016

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No