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**1. CRM-40049 of 2016 in/and
CRM-M No.35080 of 2016 (O&M)
Date of decision : 21.12.2016**

versus

2. CRM-M No.43077 of 2016 (O&M)

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Anterpreet Singh, Advocate
for the applicant-petitioner (CRM-M-35080 of 2016).

Mr. Raj Kumar Gupta, Advocate
for the petitioner (CRM-M-43077 of 2016).

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

CRM-40049 of 2016

For the reasons recorded, application is allowed. Document

Annexure P-5 is taken on record.

CRM-M No.35080 of 2016 and CRM-M- No.43077 of 2016

This order shall dispose of the above mentioned two petitions.

These two petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner(s) in case F.I.R. No.56 dated 12.04.2014 registered under Sections 302/201/34 IPC at Police Station Doraha, District Khanna.

Learned counsel for the petitioner(s) state that both the petitioners have been in custody since 22.04.2014.

On 16.11.2016 the following contention was noticed in CRM-M-35080 of 2016 :-

“Learned counsel for the petitioner has placed on record statement of Jagdeep Singh son of Inderjit Singh (Annexure P-4) wherein that witness has stated that the petitioner has never made any extra judicial confession before him.

Learned State counsel states that there is another witness Jagdeep Singh son of Baldev Singh and prays for short adjournment to go through the statement made by that witness.”

On 30.11.2016 the following contention was noticed in CRM-M-35080 of 2016 :-

“Learned Addl. AG Punjab states that she has gone through the statement of Jagdeep Singh son of Baldev Singh who has stated that the petitioner was last seen in the car with the deceased persons.

Counsel for the petitioner has argued that this is the statement before the police and not before the Court.

Learned Addl. AG Punjab, on instructions from ASI Charanjit Singh, states that the next date fixed is 6.12.2016 and the prosecution will examine the said Jagdeep Singh son of Baldev Singh on the said date.”

Learned counsel for the petitioner(s) today state that even the aforesaid Jagdip Singh S/o Baldev Singh has not supported the case of the prosecution.

Learned Additional Advocate General, on instructions from ASI Sajjan Singh has accepted this fact.

Keeping in view the above facts and the period of incarceration already suffered by the petitioner(s), without going into the merits of the case, I deem it appropriate to release the petitioner(s) on regular bail to the satisfaction of the trial Court/Duty Magistrate.

Ordered accordingly.

Both the petitions stand allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.12.2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No