

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

CRM -M-36261 of 2016 (O&M)

Date of decision: 21.10.2016

Sukhwinder Singh @ Sukhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Boparai, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Gulzari Lal.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 199 dated 10.07.2006, registered under Sections 302, 148 and 120-B read with Section 149 of IPC, at Police Station Payal, District Ludhiana.

It is contended that the occurrence took place on 10.07.2006. The allegations against the petitioner is that he held right hand of the deceased and the co-accused caused injuries on the person of deceased. He further states that the similarly situated co-accused, Amandeep Singh who allegedly held right hand of the deceased, has been acquitted by this Court, vide judgment dated 24.09.2013 (Annexure P-6). During the course of investigation, no incriminating

evidence was collected against the petitioner and the petitioner with a bona fide belief that he is not required in the FIR, went abroad on 19.12.2007. In his absence, the application dated 12.03.2008 was moved and the petitioner was declared proclaimed offender, vide order dated 01.10.2008 (Annexure P-5), without effecting service upon the petitioner. The petitioner is in custody since 23.09.2015.

On the other hand, the learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the record.

Keeping in view the above and the fact that out of total 21 PWs, only 03 PWs have been examined so far; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court. The petitioner shall surrender his passport and shall not leave the country without prior permission of this Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

21.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No