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

CRM-M-39783 of 2016

Date of decision: November 29, 2016

Ashish Brar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.29 dated 07.02.2015, under Sections 302, 120-B of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of the Arms Act, 1959, registered at Police Station City Kotwali, Faridkot, District Faridkot, petitioner was arrested and is in jail.

Learned counsel for the petitioner submits that bail petition of the co-accused, namely Devender Singh @ Devender Chhabra @ Tinu has been allowed vide order dated 22.08.2016 and co-accused, namely Jagmeet Singh has been allowed vide order dated 23.09.2016 by this Court.

Learned State counsel submits that the trial would be completed within a reasonable period and therefore, the relief of bail should not be granted.

I have given careful thought to the entire matter. It is not in dispute that all the material witnesses have been examined. I have perused the deposition of the mother and other witnesses produced on record and prima-facie I find that the petitioner deserves to be granted bail since all the material witnesses have been examined. Reliance

placed by the learned counsel for the petitioner in the case of **Dr. Gokarakonda Naga Saibaba versus Staet of Maharashtra**, 2016 (2) RCR (Criminal) 675, decided on 04.04.2016, is apt this context. In that case, Dr. Gokarakonda Naga Saibaba was prosecuted for the offences against the State and therefore, the offences were serious. However, the Apex Court did not grant bail till the completion of evidence of material witnesses, though, Dr. Gokarakonda Naga Saibaba had claimed that he was disabled and was on wheelchair and required special medical treatment from the Hospitals at Delhi. It is thus, clear that Supreme Court did not grant bail even on the medical ground, though, he was disabled. The Supreme Court, however, granted him bail after completion of evidence of all the material witnesses which is evident from the Para-2 of the said judgment. The present case seems to be on better footings and therefore, I am inclined to grant bail to the petitioner looking to the prima-facie the quality of the evidence.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper with the prosecution evidence and shall not threaten prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

November 29, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No