

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

**CRM-M No.39005 of 2015 (O&M)
Date of Decision: 11.02.2016**

Harcharan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. R.S.Randhawa, Additional Advocate General, Punjab
for the respondent/State assisted by ASI Satpal.

Mr. Vikas Gupta, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.91 dated 08.05.2013, under Sections 302, 307, 148, 149 of the Indian Penal Code and Sections 25, 27 of the Arms Act, registered with Police Station Patti, District Tarn Taran (**Annexure P-1**).

As per the allegations in the FIR, deceased-Sukhraj Singh was shot dead by accused/non-applicant Sarwan Singh in the attack launched along with his co-accused brother-Sukhwinder Singh, Harcharan Singh (petitioner/accused), Hardeep Singh and Ranbir Singh.

The occurrence had occurred on account of a political rivalry between two parties.

The role attributed to the petitioner is that he armed with a *Gun* had tried to shoot at the deceased and the complainant by pulling down him from the waist had diverted the path of the bullet.

It is contended that except the single shot and that too causing no injury to anyone, no other role has been attributed to the petitioner.

Learned Counsel for the petitioner submits that the petitioner is in custody since 09.05.2013 i.e. 02 years and 09 months.

Two accused, namely, Hardeep Singh and Ranbir Singh are declared proclaimed offenders and on their joining, the trial is not likely to be concluded in near future.

Learned Counsel for the complainant submits that a Co-ordinate Bench, in the case of co-accused Sarwan Singh, has already directed the trial Court to conclude the trial within a period of six months from 20.01.2016 and, therefore, no case for grant of bail is made out.

Learned State Counsel, assisted by ASI Satpal, does not dispute the custody period, as also the role attributed to the petitioner. He further submits that out of cited 19 prosecution witnesses, only 11 witnesses remain to be examined.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

February 11, 2016
Gagan

(JASWANT SINGH)
JUDGE