

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

CRM-M No. 41057 of 2016
Date of decision : November 28, 2016

Jagroop Singh @ Jupa

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. MS Basra, Advocate
for the petitioner.

Mrs. Amarjit Kaur Khurana, Addl. AG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.19, dated 9.3.2015, registered under Sections 302, 148, 149 of the IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station Khem Karan, District Tarn Taran.

Counsel for the petitioner states that the petitioner had earlier filed CRM-M No.27687 of 2016 in which the following order was

passed on 3.10.2016 :-

“Present : Mr. Manbir Singh Basra, Advocate,
for the petitioner.
Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.
Mr. Dilpreet Singh Gandhi, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.19 dated 09.03.2015, registered at Police Station Khem Karan, District Tarn Taran, under Sections 302, 148, 149 IPC and Sections 25 and 27 of the Arms Act.

Learned counsel for the petitioner has argued that the petitioner is in custody for 01 year and 05 months and even the complainant has not been examined so far.

Learned State counsel, on instructions from ASI Kuldeep Ram, states that the complainant has been summoned to give his testimony day after tomorrow i.e. on 15.10.2016. Learned counsel for the complainant-eye witness also states that the complainant shall definitely appear to give his testimony.

In these circumstances, the instant petition stands dismissed at this stage. However, if the complainant does not appear on the next date of hearing before the learned trial Court to give his testimony, the petitioner would be at liberty to apply for bail afresh.”

Counsel for the petitioner further states that even till date the complainant has not appeared before the trial Court to give his testimony and that the co-accused Hira Singh has been granted bail by this Court by order dated 22.8.2016 passed in CRM-M No.39011 of 2015, and the petitioner has now been in custody since 5.5.2015.

Learned Addl. AG Punjab, on instructions from ASI Sangram Singh, has accepted the fact that the complainant has not been examined and she has not been able to give any satisfactory explanation therefor.

In view of the aforesaid facts and without commenting upon the merits of the case, as well as keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of.

November 28, 2016
`kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No