

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

**CRM No. M-41444 of 2016
Date of decision: 02.12.2016**

Rohit Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. Shailesh 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 Faridkot, District Faridkot, petitioner was arrested on 05.03.2015 and is in jail since then.

Bail application of the petitioner is pending since 2015 and the trial is almost at the fag end.

I have given careful thought to the entire matter and find that the petitioner only cannot be blamed for the pendency of the present bail application from the year 2015. Bail matter remained pending in this Court as can be seen from the various order sheets and for the reasons stated therein. 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 State 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/trial Court concerned. Petitioner shall not tamper with the prosecution evidence and shall not threaten prosecution witnesses.

December 02, 2016

Poonam (II)

**(A.B.CHAUDHARI)
JUDGE**

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No