

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

CRM No. M-45494 of 2016

Date of decision:- December 23, 2016

GURMAIL SINGH

....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. P.S. Dhaliwal, Advocate,
for the petitioner.

Mr. B.S. Cheema, DAG, Punjab.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), the petitioner has sought concession of bail during pendency of trial, in case FIR No.52, dated 15.06.2016, under Sections 302, 323, 148 and 149 IPC, Police Station Rureke Kalan, District Barnala.

2. No doubt, as per the FIR got registered by Satpal Singh @ Kala, it is alleged that Gurmail Singh-petitioner was armed with an iron rod and he allegedly gave beatings to the deceased while accompanied by Nirmal Singh @ Goni, Kala Singh, Kuldeep Singh, Amandeep Pandit and Kewal Singh etc. But as per the version of Lakhwinder Singh @ Lakha, one of the eye witness, he slapped the deceased whereas Pardeep Singh another eye witness has stated that the petitioner was standing by his co-accused. No specific overt-act has been ascribed to the petitioner by either of the eye-

witnesses while getting their statements recorded under Section 161 Cr.P.C. with Investigating Officer. The petitioner was arrested in this case on 17.06.2016 and after subjecting him to custodial interrogation, he was remanded to judicial lock-up. Meaning thereby, he was no more required for further interrogation/investigation. Though, the investigation is complete and report under Section 173 (2) Cr.P.C. has already been presented but the petitioner as well as his cronies are yet to be charge-sheeted.

3. In view of the facts and circumstances narrated above as well as the fact that the trial is not likely to be concluded in near future, this Court is of the considered view that it would not be justifiable to keep the petitioner behind the bars for an indefinite period.

4. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/CJM/Duty Magistrate.

December 23, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No