

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

CRM-M-5811 of 2016 (O&M)
Date of decision : 25.02.2016

Hira Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Mehardeep Singh, DAG, Punjab
assisted with ASI Gurmail Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.43 dated 15.03.2013, registered under Sections 302, 307, 148, 149 of the Indian Penal Code, (for short, 'the IPS') and Section 25, 27 of Arms Act, at Police Station Bhikhiwind, District Tarn Taran.

The learned counsel for the petitioner contends that no injury has been attributed to the petitioner, only a lalkara is attributed to the petitioner. He refers to Annexure P-6, wherein the co-accused Harnarain Singh has been enlarged on bail, who has been attributed the gun shot injury to the deceased Dharambir Singh. Though, the petitioner was declared proclaimed offender, however, he surrendered

to the process of law on 10.08.2015 and thereafter he is in custody.

On the other hand, the learned State counsel submits that the petitioner was declared proclaimed offender, however, he fairly admits that the petitioner has himself surrendered. He further states that in view of the antecedents of the petitioner, he does not deserve any leniency.

I have heard the learned counsel for the parties and perused the record on file.

Keeping in view the fact that co-accused Harnarain Singh and Major Singh, who have been attributed active role, already enlarged on bail and the petitioner is in fact on better footing as compared to them, this Court feels that the petitioner deserves the concession of bail.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**