

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

**CRM-M No. 8069 of 2016 (O&M)
Date of Decision: 12.05.2016**

Toofan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ravinder S. Budhwar, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Kewal Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C. is for grant of regular bail on behalf of the petitioner/accused-Toofan Singh in case FIR No. 63, dated 12.06.2011, for offences punishable under Sections 364, 148, 149 of the Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Mehna, District Moga.

As per version in FIR, there was a dispute between Baldev Singh and his nephews over a demarcation of *watt* between the two adjoining pieces of land. On the day of occurrence on 12.06.2011 at around 9.00 p.m., the accused party including the petitioner/accused, came on a tractor and motor cycles and started ploughing the fields and they have alleged to fire shots in the air and also had taken away Boota Singh (*siri* of Baldev Singh) by dragging him under the cover of darkness.

The petitioner was found innocent and placed in column No. 2; however, he was summoned to face the trial as additional accused

under Section 319 Cr.P.C. vide order dated 07.12.2013 and he was enlarged on bail and for his absence on 28.05.2014, he was declared proclaimed offender on 16.09.2014. Further, challaned co-accused have been convicted and sentenced for three and half years for offences under Sections 363 and 325, IPC for kidnapping and causing injuries to Boota Singh.

The petitioner is stated to have surrendered on 26.09.2015.

In view of the aforesaid facts, it is contended that the petitioner is in custody for almost eight months and only one witness out of seventeen prosecution witnesses have since been examined.

Learned State Counsel, assisted by ASI Kewal Singh, does not dispute the custody period of the petitioner as also the stage of trial.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner and the fact that the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 12, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE