

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

CRM-M-10344-2017 (O&M)

Date of decision: 05.04.2017

SUNBIR SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present : Mr. Bipan Ghai, Sr. Advocate with  
Mr. V.S. Virk, Advocate  
for the petitioner (s).

Mr. Mehardeep Singh, Addl. A.G., Punjab

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**Jitendra Chauhan, J. (Oral)**

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.34 dated 27.02.2013, registered under Sections 302, 307, 427, 506 and 148 read with Section 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Mataur, Distt. Mohali.

Contents that as per the FIR, neither any injury is attributed to the petitioner nor any recovery was effected from him. The petitioner is not involved in any other FIR. He is in custody since 28.02.2013. The learned Senior counsel states that co-accused, Jaswinder Singh @ Khattu from

whom the recovery of pistol has been shown to be effected, is enlarged on bail in CRM-M-44987-2016 (Annexure P-2).

This admitted position is not being controverted by the learned State counsel, however, he states that considering the gravity of the offence, the petitioner does not deserve the concession of bail. The custody period of the petitioner; his role; and the fact that no recovery has been effected from him are not in dispute. Rather, co-accused Jaswinder Singh @ Khattu, who had assigned the specific role and from whom the recovery had been effected, has been allowed bail vide order dated 08.03.2017. The learned State counsel has also admitted the fact that all the material witnesses in the matter stand examined.

Though, all the material witnesses have been examined, however, in view of the order passed by this Court in CRM-M-8785-2017, wherein the Co-ordinate Bench has stayed the proceedings in the matter till further orders, at this stage, there is uncertainty with regard to the conclusion of the trial.

Considering the totality of the circumstances, the Court feels that no purpose would be served in keeping the petitioner behind the bars, particularly when the case of the petitioner is at a better footing than that of co-accused Jaswinder Singh @ Khattu, who as mentioned above, has been admitted to bail. Therefore, without adverting to the merits of the instant case, this petition is allowed.

Accordingly, the petitioner be admitted to bail during the

pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

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

05.04.2017

*ashok*

Whether speaking/reasoned:  
Whether reportable:

(JITENDRA CHAUHAN)

JUDGE

Yes / No  
Yes / No