

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-13272-2017

Decided on : 03.05.2017

Sanjeev Sharma @ Sunny

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.K.Gupta, Advocate, for the petitioner.

Mr.K.S.Sidhu, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 439 Cr.P.C., the petitioner seeks the concession of regular bail in FIR No.87, dated 23.05.2016, registered under Sections 307, 452 and 34 IPC and Sections 25/27/54/59 of the Arms Act, at Police Station Sadar Ludhiana, District Ludhiana.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody for over nine months; he is not involved in any other criminal case; the challan has been filed; the matter with regard to the involvement of one of the co-accused Nanak Singh is still being inquired by the police; who is a hardened criminal has made a statement on 02.12.2016 in which he has contradicted the stand of the prosecution and that since the trial is yet to commence in which as many as 18 witnesses have been cited by the prosecution, it is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail to the petitioner on the ground that there are serious allegations against him of having inflicted gun shot injuries on the injured. He, however, admits that since the injured and his wife are absconding, till they are available, the trial is not likely to even start.

After considering the rival submissions, I am of the opinion that the petitioner be admitted to regular bail. Such opinion has been expressed by me for the reason that the petitioner has already been in custody for over nine months; he is not involved in any other criminal case; the challan has been filed; the matter with regard to involvement of one of the co-accused Nanak Singh is still being inquired into by the police; the injured who seems to be a hardened criminal has made a statement on 02.12.2016 in which he has contradicted his earlier stand and that since the trial is yet to commence in which as many as 18 witnesses have been cited by the prosecution, it is not likely to conclude in the near future for the reason that the injured and the complainant, who happens to be his wife, are absconding.

Bail to the satisfaction of the trial court.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

03.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No