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

CRM-M-13659 of 2017

Date of decision: August 10, 2017

Arshdeep Singh @ Arsh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

Petitioner seeks grant of regular bail in FIR No.64 dated 22.05.2016, under Sections 302, 148, 149, 120-B of Indian Penal Code, 1860 read with Sections 27, 54, 59 of Arms Act, 1959 and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, Hoshiarpur, District Hoshiarpur.

The petitioner was arrested on 29.06.2016. The trial Court has observed as under in Para 9 of its order dated 31.03.2017:-

“9. No doubt in the statement of the complainant Davinder Singh, there is no direct attribution against the applicant to the extent that he also caused some injuries on the person of the deceased but there are allegations against the applicant that he was part of the group of boys who attacked and killed Manpreet Singh @ Manna.

Therefore, at this stage, it cannot be said that no case is made out against the applicant under Section 302 IPC. xxxx”

It is thus, clear from the findings of the learned trial Court in paras No.4 and 5 of its order that there is no assault by the petitioner.

Looking to the role attributed to the petitioner, I am inclined to grant bail to the petitioner.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

August 10, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No