

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16110-2017 (O&M)

Date of Decision: 24.05.2017.

Onkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
for the petitioner.

Ms. Shivali, AAG Punjab.

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Armaan Midha, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

This is the second bail application filed under Section 439 the Cr.P.C seeking regular bail in case 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 Arms Act at Police Station Mataur, District Mohali.

The first bail application was dismissed by this Court on 09.09.2013 (Annexure P-6).

At this stage, it is asserted that the similarly placed co-accused Jaswinder Singh @ Khattu has been allowed bail by a Coordinate Bench of this Court vide order Annexure P-3. The other

accused, namely, Sunbir Singh, has also been admitted to bail by this Court in view of the order passed in CRM M-8785 of 2017 wherein further proceedings before the trial Court have been ordered to be stayed.

On the other hand, the learned Senior counsel appearing for the complainant though, does not dispute the above factual aspect of the matter, however, he states that a specific role has been attributed to the petitioner. The connected matter is fixed for 21.08.2017 wherein the preponement application has been filed which was slated for 29.05.2017 and as it has been declared a local holiday, the application is likely to come up for hearing on 30.05.2017.

Heard.

Considering the fact that all the PWs stand examined, the petitioner is in custody since 03.03.2013 and in view of the order passed in CRM M-8785 of 2017, there is uncertainty with regard to conclusion of the trial. In the circumstances, the Court feels that examination of all PWs; the order passed in CRM M-8785 of 2017 and; the factum of admission on bail of the co-accused by the Coordinate Bench of this Court by Annexure P-3 are fresh circumstances in favour of the petitioner, therefore, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

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

24.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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