

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

CRM No.M-24379 of 2017 (O&M)

Date of Decision: August 16, 2017

Ajay Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Preetinder Singh Ahluwalia, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.94 dated 01.05.2016 under Sections 397, 398, 307, 34, 109, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Kotwali, District Patiala.

Notice of motion.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab, has put in appearance on behalf of the respondent-State and contested the petition. Mr.Raman Mohinder Sharma, Advocate has appeared on behalf of the complainant and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the present petitioner is not named

in the FIR. Even in the statement of Shankar Baweja, he is not named. The

petitioner is named in the statement of Himanshu Jindal, which was recorded on 06.05.2016, whereas the occurrence is of 30.04.2016. As per statement of Himanshu Jindal, present petitioner took away other two main accused, who caused the occurrence.

The present petitioner has been in custody since 04.05.2016. He has not played any active role in the occurrence nor he was stated to be present on the spot as per the FIR and he was named in the statement of Himanshu Jindal after six days of the occurrence. The petitioner is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No