

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

CRM-31713-2017 in
CRM-M-28282-2017 (O&M)
Date of decision: 13.10.2017

Balwinder Singh @ Buta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.CS Jattana, Advocate for the petitioner

Ms.Gulnoor Ghuman, AAG, Punjab

JITENDRA CHAUHAN, J.

CRM-31713-2017

The present application has been filed for recalling the order dated 13.9.2017 passed by this Court in CRM-M-28282-2017, which was dismissed as withdrawn at that stage, in view of the statement made by learned State counsel that during the investigation, no incriminating evidence could be collected against the petitioner. However, the challan had already been filed by that time.

Notice of the application to the State of Punjab.

Ms.Gulnoor Ghuman, AAG, Punjab accepts notice on behalf of the State. On instructions from ASI Makhan Singh, she acknowledges the factum that the petitioner was declared innocent in the enquiry conducted by the Superintendent of Police (Investigation), Mansa, but by

that time challan had been presented against the petitioner. However, subsequently, a discharge application was filed by the State, which was not accepted by the trial Court.

Considering the above position, the present application is allowed and the order dated 13.9.2017 is recalled and CRM-M-28282-2017 is ordered to be restored to its original number.

CRM-M-28282-2017

The present petition under Section 439 of the Code of Criminal Procedure has been filed for grant of bail to the petitioner in case First Information Report No.80 dated 27.8.2016 registered under Sections 302, 120-B, 323 and 148 read with Section 149 of the Indian Penal Code at Police Station Bareta, District Mansa.

Learned counsel for the petitioner submits that the petitioner was found innocent during investigation. However, learned trial Court dismissed the discharge application moved by the prosecution. The petitioner is in custody since 26.10.2016. Nothing is to be recovered from him. He further submits that similarly situated co-accused Balwinder Singh @ Kokli has already been allowed regular bail by this Court vide order dated 19.7.2017 passed in CRM-M-12045-2017.

Learned State counsel has not controverted the above said facts.

I have heard the learned counsel for the parties and perused the case file.

Considering the fact that the charges have been framed

against the petitioner; the petitioner is in custody since 26.10.2016; co-accused Balwinder Singh @ Kokli has already been allowed regular bail by this Court; out of 30 witnesses, none has been examined so far, therefore, it can be safely concluded that the conclusion of trial will take a long time so, 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.

13.10.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No