

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

CRM-M No.39993 of 2016 (O&M)

Date of decision: 8th March, 2017

Kulbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepinder Brar, Advocate for the petitioner.

Mr. Gurinderjit Singh, Dy. Advocate General, Punjab
for the respondent/State.

Mr. J.S. Jaidka, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Kulbir Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.113 dated 26.06.2016 registered at Police Station Sadar District Ludhiana under Sections 307/341/148/149/120-B IPC, are that on 26.06.2016 while the complainant Jasvir Singh along with his friend Mheshi Pehalwan were going on their vehicle bearing registration No.PB-10-ET-7809 around 8.15 a.m. they were accosted by a car bearing registration No.PB-65-X-0149 wherein 5/6 armed persons were sitting who had fired towards the car of the complainant leading to injury on the shoulder of Jasvir Singh.

Contentions of the learned counsel for the petitioner are that the petitioner has not been named initially in the FIR and it is subsequently at a belated stage in supplementary statement recorded after more than ten days the petitioner has been named and that no role has been attributed to him and that he is in custody since 07.09.2016.

Though the bail has been stoutly opposed by learned State counsel assisted by learned counsel representing the complainant Mr. J.S. Jaidka, Advocate, however, having regard to the fact that neither any role has been attributed to the petitioner nor was he named in the FIR and culpability if any shall be determined at the trial, impels this Court to allow the prayer.

In view thereof and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 8, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No