

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

CRM M-40248 of 2017.

Date of Decision: 06.11.2017.

Buta Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.P.S. Bhinder, Advocate,
for the petitioner.

Ms. Gulnoor Ghuman, AAG Punjab.

JITENDRA CHAUHAN.J.(ORAL)

Custody Certificate has been filed in the Court. The same is taken on record.

This is second bail application filed under Section 439 Cr.P.C seeking bail in case FIR No. 186 dated 18.10.2015 registered under Sections 302, 307, 326, 324, 323 and 148 read with Section 149 IPC and Sections 25 and 27 of Arms Act at Police Station Sadar, Patiala.

Learned counsel for the petitioner contends that as per the FIR, no role has been attributed to the petitioner. However, as per the statement of Raghbir Singh, the petitioner fired one shot in the air. The petitioner is in custody since 20.10.2015. It is further submitted that on the application moved by the prosecution under Section 319 Cr.P.C, now the trial Court has summoned Surjit Singh, Labh Singh and Gumail Singh to face trial and a *de-novo* trial will now commence.

Co-accused Amrik Singh who allegedly caused *gandasa* injury to

Sukhdev Singh has been admitted to bail vide order Annexure P-9.

On the other hand, the learned State counsel submits that the petitioner's presence and active participation is fully established in the matter. This is the second bail application. No fresh circumstance has arisen in favour of the petitioner.

Heard.

Considering the fact that the petitioner is in custody since 20.10.2015; it is also made out from the record that a *de-novo* trial after summoning co-accused Surjit Singh, Labh Singh and Gumail Singh has now commenced. Though, the presence of the petitioner is allegedly made out however, the petitioner did not cause any injury and the petitioner allegedly only fired in the air. Considering the fact that out of 38 prosecution witnesses, only one has been examined so far, therefore, it can be safely inferred that the completion 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.

06.11.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No