

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-5072 of 2017

Date of decision : May 23, 2017

Amolak Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. BS Kathuria, Advocate, for the petitioner
Mr. RS Randhawa, Addl. AG, Punjab for the respondent-State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Amolak Singh in this regular bail application under section 439 Cr.P.C. are that on the basis of statement of co-accused Sukhdev Singh, he has been nominated as an accused and further interrogation led to recovery of one pistol and six live cartridges. The weapon is alleged to be Chinese origin.

The contentions of counsel for the petitioner are that the petitioner is behind the bars since 16.7.2016 and that the trial is not likely to be concluded in the near future and there is no evidence to show that the weapon was in working condition and that the co-accused of the petitioner has been released on bail by this Court vide orders dated 28.3.2017, though on behalf of the State the bail is opposed submitting that Chine made weapon has been recovered.

Appreciating the submissions of both the sides, the petitioner simply alleged to be found in illegal possession of a weapon and has

undergone more than 10 months incarceration and the trial is not likely to be concluded in near future and that the very legality and acceptability of statement of co-accused being a debatable issue is subject matter of trial, in view of principle of parity, without adverting to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Amritsar.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

May 23, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No