

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

CRM-M-No.16542 of 2018

Date of Decision:30.04.2018

Rakesh Kumar

.....PETITIONER

Vs.

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. AUGUSTINE GEORGE MASIH

Present: Mr.G.S.Salana, Advocate for the petitioner.

Mr.Druv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J.(Oral)

Prayer in this petition is for grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.71 dated 18.07.2017 registered at Police Station Amloh, District Fatehgarh Sahib, under Sections 302/120B IPC and Section 27 of the Arms Act, 1959.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR. However, in the supplementary statement, recorded of the complainant under Section 161 Cr.P.C., the role which has been attributed to him is that the petitioner had handed over a loaded 12 bore gun to his father-Om Parkash, who had fired on Parmod Kumar(deceased). Learned counsel contends that there are 20 witnesses cited by the prosecution, out of which few witnesses have been examined. He, therefore, contends that the trial is not likely to conclude in near future and, therefore, petitioner be granted the concession of bail during the pendency of trial.

Learned counsel for the State would not dispute this factual assertion. He however states that supplementary statement which has been recorded is of the same date of which the FIR has been registered and, therefore,

his role is apparent and so his involvement in the commission of the offence.

Having considered the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is not named in the FIR and the role which has been attributed to him cannot be said to be directly involved in the commission of the offence at this stage, with the trial is not likely to conclude in near future and that he being in custody since 21.07.2017, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Any observations made hereinabove made hereinabove shall have no bearing on the merits of the case during the trial.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

30.04.2018
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No