

Crl. Misc. No. M-22137 of 2018

Date of Decision: August 21, 2018

Dharambir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mrs. Baljit Mann, Advocate
for the petitioner

Mr. J.S. Walia, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

Pursuant to order dated 02.07.2018, report from the trial Court has been received, according to which, the trial was initially delayed as one of the accused namely Amandeep Singh was absconding and thereafter either the accused were not produced or PWs failed to appear.

Now, all the accused persons are in custody and supplementary challan stands presented against Amandeep Singh also.

The trial Court is directed to expedite the trial. The accused persons be produced through video conferencing and the presence of PWs be ensured through the office of Commissioner of Police, Amritsar.

The petitioner seeks grant of regular bail in case FIR No. 87 dated 20.05.2016 under Sections 302, 307, 324, 427, 148, 149 IPC and Section 25, 27/54/57 of Arms Act, 1959 registered at Police Station Cantonment Amritsar.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The co-accused namely Jaideep was arrested and in his disclosure statement dated 22.09.2017 the petitioner was also mentioned as one of the persons who was part of the assaulting mob. Thereafter, the petitioner was

arrested on 27.09.2017. The only evidence against the petitioner as on date is the

statement of co-accused persons and no recovery has been effected from the petitioner. The trial is still at the initial stage and no useful purpose would be served by keeping the petitioner in custody indefinitely.

Learned State counsel opposes the prayer for bail on the ground that the petitioner himself has suffered a disclosure statement, according to which, he was armed with a pistol which was used by him in the incident but was later on returned to Gurjeet Singh @ Lada, who was the owner of the pistol.

From the above, it is apparent that the only evidence on record against the petitioner is the statement of co-accused, which is a weak type of evidence. No specific role is attributed to the petitioner and the trial is not likely to be concluded at an early date. I am also informed that the petitioner is not involved in any other criminal case.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

August 21, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No