

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

CRM-M-2608 of 2018

Date of Decision: 22.03.2018

Sarban Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.L. Bhalla, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.131 dated 04.10.2017 registered under Sections 427 and 304 of the Indian Penal Code at Police Station Barnala, District Barnala.

It is contended by learned counsel for the petitioner that although the FIR has been registered under Section 304 of the Indian Penal Code, but it is a matter of trial issue before learned trial Court whether the petitioner has committed the offence under Section 304 or 304-A IPC. It is further averred that the petitioner has been in custody since 07.10.2017 and report under Section 173 Cr.P.C has already been submitted and the charges have also been framed. It is submitted that there are total 26 witnesses, but none has been examined till date and as such trial will take a long time and no useful purpose will be

served by keeping the petitioner behind the bars.

On the other hand, learned State counsel has opposed the bail application on the ground that the offence is serious in nature but he has admitted the factum of arrest of the petitioner on 07.10.2017.

Heard learned counsel for the parties and perused the paper book.

Keeping in view of the fact that the charges have been framed under Section 304 of the Indian Penal Code, but it is a matter of trial before learned trial Court as to whether the petitioner has committed the offence under Section 304 or 304-A IPC. Since the investigation is already over and out of total 26 prosecution witnesses, no witness has been examined by the prosecution till date. Therefore, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Sarban Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

March 22, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no