

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

CRM-M No.29292 of 2018

Date of Decision: 16.10.2018

Dharamjot Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Pardeep Singh Poonia, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 of the Cr.P.C for granting regular bail to the petitioner in case FIR No.15 dated 15.02.2015 registered under Sections 302/307/34 IPC and Section 25 of the Arms Act (Section 27 of the Arms Act added later on) at Police Station Qila Lal Singh, Police District Batala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved in the offence. Even the FSL report did not connect the petitioner with the commission of offence. Eye witness, injured as well as the complainant have not supported the case of the prosecution. Co-accused of the petitioner, namely, Kuldeep Singh @ Kuljit Singh was found innocent during the course of investigation and he was kept in column No.2 at the time of filing of challan. Subsequently, he has been summoned under Section 319 Cr.P.C. Learned counsel also submits that said Kuldeep Singh @ Kuljit Singh has been granted anticipatory bail by this Court vide order dated 21.06.2018.

Learned counsel further submits that as per order passed by this Court

while dismissing the earlier petition on 10.05.2018, liberty was granted to the petitioner to move an application after a period of six weeks and the same has been filed after passing of said period. Learned counsel has also shown the certified copy of the statement of complainant injured as well as eye witness who have not supported the case of the prosecution. The petitioner is in custody since 19.02.2015 and the total period comes to about three years and eight months.

Learned State counsel has not disputed the custody period as well as examination of complainant injured as well as eye witness.

Keeping in view the submissions made by learned counsel for the petitioner; the custody period, which is about three years and eight months and also the fact that complainant, injured as well as eye witness have been examined and they have not supported the case of the prosecution; no useful purpose would be served by keeping the petitioner behind bars, the present petition is allowed and petitioner, namely, Dharamjot Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

16.10.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No