

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-30913 of 2018

Date of Decision: July 27, 2018

Harmail Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Varun Garg, Advocate
for the petitioner

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

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 107 dated 30.10.2017 under Sections 302, 34, 120-B IPC and Sections 25, 27, 30 of Arms Act, 1959, registered at Police Station Sandaur.

2. The name of the petitioner was not mentioned at the time of registration of the FIR. He has been involved on the basis of supplementary statement made by the complainant.

3. Learned counsel for the petitioner submits that an enquiry conducted by an officer of the rank of Inspector has concluded that the petitioner was out of town on the date of incident and, therefore, he had nothing to do with it. The petitioner has been in custody since 08.11.2017 . The investigation is complete but the trial is likely to take some time to be conclude and, therefore, the petitioner be granted regular bail.

4. The request is opposed by learned State counsel on the ground that the petitioner was involved in the conspiracy to murder the deceased but to escape the lability, the petitioner was sent to Hazoor Sahib and, thus, he was not present on the date of incident. The petitioner is involved in the conspiracy as is evident from the statement of the complainant recorded in the Court as PW-1.

5. Considering the fact that admittedly the petitioner had no overt role to play in the murder as well as the fact that the investigation is complete, no useful

purpose will be served by keeping the petitioner in custody indefinitely as well as the fact the trial is not likely to be concluded at an early date. The fact whether the petitioner was or was not involved in the conspiracy with the main accused, is a matter of evidence and shall be determined by the trial Court.

6. 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.

July 27, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No