

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

CRM-M No.32822 of 2017
DATE OF DECISION:21.09.2018

Harpreet Singh @ Happy

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ankush Singla, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.55, dated 11.06.2016, registered under Sections 364 IPC and (Sections 302, 201 IPC added later on) at Police Station Dhanaula, District Barnala(Annexure P-1)

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case. The petitioner has been named on 14.06.2016 whereas incident is of dated 10.06.2016. The allegations against the petitioner are of suspicion and case is also based on circumstantial evidence. The petitioner was named due to extra-judicial confession dated 15.06.2016 by Gurmukh Singh. There is no evidence to connect the petitioner with the alleged offence. Petitioner is in custody since 17.06.2016 and out of sixteen witnesses, fourteen have been examined but remaining witnesses are not appearing for the last two/three dates.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the trial is at the fag end but he has not disputed the custody period and also the fact that the petitioner was not named at the initial stage and he was implicated on the basis of extra-judicial confession.

Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner and states that the petitioner does not deserve the concession of bail on the ground of seriousness of offence.

Without commenting anything on the merits of the case and keeping in view that the petitioner is in custody since 17.06.2016; the fact that the case is based on circumstantial evidence and there is no evidence to connect the petitioner with the commission of crime, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

21.09.2018

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**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No