

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-34704-2018

Date of decision : 20.08.2018

Khushwant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr.Pawan Jhanda, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioner seeks the concession of regular bail he having been arraigned as an accused in the cross version to the FIR in question, with both, the FIR and cross version thereto, registered on May 20, 2015, the offences alleged to be committed stated to be punishable under the provisions of Sections 467, 468, 471, 201, 120-B, 148, 149, 323, 307, 506 IPC and Section 25, 54, 59 of Arms Act.

Learned counsel for the petitioner submits that other than the fact that the petitioner has been in custody now for the past 1½ years, i.e. since 08.02.2017, the complainant is also not coming to testify before the Court and evenailable warrants have been issued to secure his presence and further, the injury received by another co-accused of the petitioner, was a fire arm injury in the stomach.

Learned State counsel on the other hand submits that the petitioner was subsequently involved in another FIR registered for the

alleged commission of an offence punishable under Section 302 IPC, which contention though is admitted by learned counsel for the petitioner, he further submits that the petitioner has been admitted to bail in that case also vide an order passed by this Court (co-ordinate Bench) dated 06.04.2018 in CRM-M-11385 of 2018.

A perusal of the aforesaid order shows that the petitioner was enlarged on bail in that case on the ground that he had been in custody since 08.05.2017 and as a matter of fact the role attributed to him in that offence was one of having fired gun shots, but with neither a fire arm recovered from him nor in fact the deceased having been found to have died because of any gun shot injuries.

Without making any comment on the merits of either case, the petitioner having remained in custody for the past 1½ years with even the complainant not coming forward to testify, this petition is allowed with the petitioner ordered to be admitted to bail to the satisfaction of the trial Court.

(AMOL RATTAN SINGH)
JUDGE

August 20, 2018.

D.K./dinesh

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No