

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

**CRM-M-34179 of 2017 (O&M)
Date of Decision: March 01, 2018**

Kamal Singh

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Chaoudhary, Advocate
for the petitioner.

Mr. Pawan Kumar Jangra, Addl. A.G. Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner Kamal Singh in this second regular bail application under Section 439 Cr.P.C are that on 13.7.2015 while Police party was holding a Naka and signalled an Innova vehicle to stop persons sitting in the Car fired at the Police with pistol and, thereafter, Police apprehended two persons one of whom has been identified to be the petitioner besides his co-accused Gaurav @ Monu.

Learned counsel for the petitioner contends that the petitioner is behind the bars since 13.7.2015 and that it is a non-injury case and petitioner has already undergone substantial incarceration and that the trial is not likely to be concluded in near future.

Learned State counsel has sought to oppose the grant of bail to the petitioner on the grounds that multiple criminal cases are being faced by the petitioner and placed on record list of such cases and that if

allowed bail, the petitioner would abscond and tamper with the evidence.

Appreciating the submissions, the petitioner has already undergone incarceration for more than two and a half years and that it was non-injury case, thus, a debatable issue has arisen as to the applicability of Section 307 IPC. Together with the fact that trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, and culpability, if any, shall be determined at the time of trial, however, to safeguard the interest of the State it will be in the fitness of things to allow the bail to the petitioner subject to furnishing of heavy bail bonds with two sureties in the like amount to the satisfaction of the trial Court/Duty Magistrate.

(FATEH DEEP SINGH)
JUDGE

March 01, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No