

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

**CRM-M-42884-2018
Date of decision: 26.10.2018**

Gurcharan Singh @ Channa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 41 dated 09.04.2011, registered under Section 379 IPC, registered at Police Station Kiratpur Sahib, District Rupnagar.

Learned counsel for the petitioner submits that the petitioner was declared a proclaimed offender on 19.01.2015 and was arrested on 15.05.2018 and since then, he is in judicial custody.

Learned counsel for the petitioner further submits that three persons were arrayed as accused in the FIR, out of which, Gurpreet Singh has died and the third accused Kanwalpreet Singh, who faced full length trial, was acquitted by the trial Court, vide judgment dated 24.07.2017.

Learned counsel for the petitioner further submits that while acquitting the co-accused, the trial Court has recorded a finding that no affirmative evidence was led by the prosecution to prove the case beyond reasonable doubt.

It is further submitted that the petitioner is in custody for the last 08 months and 27 days and he is on bail in another FIR.

Learned State counsel, on instructions from the Investigating Officer, has opposed the prayer of the petitioner on the ground that petitioner is involved in some other cases of similar nature.

I have heard learned counsel for the parties.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody for the last 08 months and 27 days; co-accused stands acquitted by the trial Court and also considering the fact that conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

October 26, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No