

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

CRM-M-43411-2017 (O&M)
Date of decision : 23.01.2018

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Kang, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Addl.A.G., Punjab,
assisted by ASI Baljit Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.186 dated 18.10.2015, registered under Sections 302, 307, 326, 324, 323 and 148 read with Section 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, at P.S. Sadar, Patiala.

This is the fourth bail petition moved by the petitioner under Section 439 Cr.P.C. The earlier three were ordered to be dismissed as withdrawn.

It is contended that the petitioner is neither named in the FIR, nor any injury has been attributed to him. The petitioner allegedly had been driving the vehicle wherein the assailants reached the spot. It is submitted that similarly placed co-accused Amrik Singh, Buta Singh and Ghulla Singh have been admitted to bail by this Court.

On the other hand, learned State counsel, on instructions,
submits that though, the petitioner is not named in the FIR and no injury has

been attributed to him, but his presence is made out from the record. She also admits the fact that co-accused Gurmail Singh, Labh Singh and Surjit Singh, who were earlier declared innocent, have been summoned to face trial.

Heard.

With the summoning of the accused named above, de novo trial has commenced. The petitioner is in custody since 25.11.2015. Out of 38 prosecution witnesses, only 6 have been examined, including the complainant.

The factum of examination of the complainant and commencement of de novo trial are the changed circumstances in favour of the petitioner.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned. The petitioner shall also surrender his passport, if any, held by him, with the trial Court and shall not leave the country without prior permission of this Court.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.01.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

