

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-44033-2017

Date of decision: 24.01.2018

Ajay Kumar @ Aju

...PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Madan Lal Saini, Advocate,
for the petitioner.**

**Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in case FIR No. 101 dated 11.11.2016 registered under Sections 302/307/148/149/120-B IPC at Police Station Kiratpur Sahib, District Rupnagar.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR and has been falsely implicated on the statements of Malkit Singh @ Mika and Ajesh Kumar. He contends that no overt act has been attributed to the petitioner even by these two persons and the role, which has been attributed to him, is only to the extent of having conducted recce. Counsel contends that three of the co-accused, who were similarly placed as the petitioner, namely, Arun Kumar, Yadwinder

Singh @ Yadi and Amrik Singh @ Sunny have been granted regular bail by this Court. Petitioner is in custody since 23.02.2017 and the trial is not likely to conclude soon. He, therefore, prays that the petitioner be granted the concession of bail.

Counsel for the State, very fairly, concedes that the assertions made by the counsel for the petitioner are correct. He, however, states that the petitioner is involved in the commission of offence as it is because of his information that the occurrence has taken place.

On the asking of the Court, it has been informed on instructions from ASI Inderjit Singh, Police Station Kiratpur Sahib, that out of 32 eye witnesses, none has been examined as yet.

In view of the above and keeping in view the role attributed to the petitioner and the bail already having been granted to the similarly placed three co-accused, referred to above, especially when, none of the prosecution witnesses have been examined and the trial is not likely to conclude soon, therefore, the present application is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/trial Court/Duty Magistrate, Rup Nagar.

January 24, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No