

Crl. Misc. No. M-46395 of 2018

Date of Decision: October 26, 2018

Madan Lal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: None for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 37 dated 25.08.2016 registered under Sections 302, 324, 506, 34 IPC at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

According to the FIR, the petitioner and his brother approached the complainant and his brothers at their shop for glasses to consume liquor. This was refused and it led to an argument. Thereafter, the petitioner and his brother started hurling brick bats on the complainant party. The father of the complainant was injured and he was taken to the hospital, where the petitioner and his co-accused came armed with various weapons. The fight took place resulting in death of one Kamaljit Kumar. The petitioner is alleged to have given datar blows on the left shoulder of said Kamaljit Kumar.

Custody certificate dated 26.10.2018 prepared by Sh. Iqbal Singh Dhaliwal, Deputy Superintendent, Central Jail, Ludhiana, Prison has been filed in the Court today and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of two years, one month and twenty five days. There is no other criminal case pending against the petitioner.

On being questioned, learned State counsel submits that out of 22 PWs, 9 PWs have been examined till date.

From the above, it is apparent that the trial is not likely to be concluded at an early date. There is no other criminal case pending against the petitioner and he has not given the blow, which caused death of Kamaljit Kumar. Thus, no useful purpose would be served by keeping him in custody indefinitely.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

October 26, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No