

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-47737 of 2017

DATE OF DECISION:17.09.2018

Nirmal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

Petitioner-Nirmal Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No. 98 dated 17.8.2016 registered under Sections 302,148,149 IPC and Sections 25/27 of Arms Act at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has been named in the FIR only because of the reason that his father is co-accused, whereas, the petitioner was not even present at the place of occurrence As per allegations in the FIR, he has been shown to be armed with pistol but no overt act has been attributed to him. Neither pistol has been used nor any injury has been attributed to him. The motive behind the involvement of the petitioner is that on the basis of statement made by the petitioner, FIR under Section 308 IPC was registered against complainant-

Gamdoor Singh and one Buta Singh as they caused injuries to Amandeep Singh on his head, who is the son of the petitioner. Gamdoor Singh and Boota Singh have been convicted for five years in that case and now they have been released on bail. Learned counsel also contends that all the material witnesses have been examined including two eye witnesses and the third eye witness has expired during pendency of the trial. The petitioner is in custody for the last more than two years. There are total 25 witnesses, 8 have been examined, one has been given up and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. Trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned counsel for the respondent-State has not disputed the custody period and also examination of two eye witnesses as well as death of third eye witness. It has also not been disputed by learned State counsel that no injury has been caused by the petitioner.

Keeping in view the submissions made by learned counsel for the petitioner and also the factum of examination of material witnesses and role of the petitioner, the present petition is allowed. Petitioner-Nirmal Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

September 17, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes