

CRM-M-4903-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4903-2018

Date of Decision: 24th April, 2018

Manjit Singh

...Petitioner

Versus

State of Punjab.

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. H.S. Dhindsa, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.62, dated 21.08.2017, registered at Police Station Sadar Garhdiwala, District Hoshiarpur, under Section 307 read with Section 120-B of the Indian Penal Code and Sections 25, 27 of Arms Act.

It is the contention of the learned counsel for the petitioner that that the petitioner was arrested on 14.10.2017 and since then, he is in custody. He contends that the petitioner is not named in the FIR and has been nominated by his co-accused Maninder Singh @ Sethi. He further contends that no overt act has been attributed to the petitioner and at the most, what can be alleged is that he was accompanying the others. He states that the challan has been presented and case is now fixed for 26.04.2018 for framing of charges. His submission is that the trial is not likely to conclude

in near future. He, therefore, prays for grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Dashan Singh, P.S. Garhdiwal, District Hoshiarpur, submits that the petitioner was accompanying the co-accused, who had attempted to kill the complainant and it was fortunate of him that the gun fire did not hit him. He, however, could not dispute the fact that the petitioner has been duly nominated by the co-accused and no recovery has been effected from him. The status of the trial has also not been disputed.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that no overt act has been attributed to the petitioner and his name is not mentioned in the FIR with the fact that the trial is not likely to conclude soon as even the charges have not been framed till date, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

24th April, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No