

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

CRM-M-49290 of 2018
Date of Decision:30.11.2018

Vishal KumarPetitioner

Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Krishan Sehajpal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case First Information Report No. 130 dated 24.07.2016, under Sections 302 and 120-B of the Indian Penal Code registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner is in custody since 15.09.2016. It is further contended that neither the petitioner is named in the FIR nor any recovery has been effected from him during investigation, rather, he was named on the basis of the disclosure statement made by one Sukhwinder Singh @ Rana, who has already been granted the concession of regular bail by this Court vide order dated 25.10.2018 in CRM-M-16386 of 2018.

Learned State counsel has opposed prayer of bail and he prays
for dismissal of the present petition.

Heard learned counsel for the parties and perused the paper book.

Undisputedly, the petitioner was neither named in the FIR nor any recovery has been effected from him during investigation. There are total 27 prosecution witnesses 15 have been examined till date; the material prosecution witnesses i.e. PW-2, PW-3 and PW-5 have not supported the case of the prosecution. The petitioner is in custody since 15.09.2018. The trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Vishal Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[MAHABIR SINGH SINDHU]
JUDGE

November 30, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no