

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50959-2018 (O&M)

Date of decision:27.11.2018

Yashpal @ Jaspal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed for seeking bail pending trial in FIR No.37 dated 08.09.2015 for the offences punishable under Sections 307, 323, 342, 506, 148, 149 of IPC (Section 302 IPC added later on), registered at Police Station Pojewal, District SBS Nagar.

Learned counsel for the petitioner contends that even as per the case of the prosecution, there was no premeditated designed attack on the deceased. It was only a mob attack in which the deceased is alleged to have expired due to the injury allegedly caused by the petitioner with a baseball bat. It is further contended that the petitioner is in custody since 09.09.2015. Despite three years having passed, the prosecution has examined only 05 witnesses, out of the total 29 witnesses. The trial of the case is likely to take long time to complete. Still further, it is submitted that out of 11 total accused in the case, 10 accused have already been released on bail by the Courts. Since the evidence of the prosecution is already going on, therefore, the petitioner is not required for any further investigation purposes.

On the other hand, counsel for the State submits that the deceased had died because of the injury caused by the petitioner. The injury attributed to the other accused are simple in nature. Therefore, the petitioner cannot claim any parity with the other co-accused. However, it is not disputed that the petitioner was arrested on 09.09.2015 and that out of 29 witnesses, only 05 witnesses have been examined so far.

Keeping in view the submissions made by counsel for the petitioner, particularly the fact that the petitioner is in custody for more than 03 years now, but without commenting on the merits of the case, the present petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

27.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No