

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

CRM-M-7497-2018 (O&M)
Date of decision : 01.03.2018

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Baljit Mann, Advocate for the petitioner.

Ms. Sudeepti Sharma, Addl.A.G., Punjab,
assisted by ASI Kulvinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.171 dated 09.09.2014, registered under Sections 302, 307, 323, 324, 341, 506, 148 and 120-B read with Section 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, at P.S. Sahnewal, District Ludhiana City.

This is the second bail petition moved by the petitioner under Section 439 Cr.P.C. The first bail petition was dismissed as withdrawn on 24.10.2016.

Contentends that co-accused Dilpreet Singh, who as per the FIR allegedly fired gunshot and Sandeep Singh @ Sunny, who allegedly gave knife injury, have been released on bail by this Court vide orders Annexures P-9 and P-10. The petitioner is in custody since 10.09.2014. The trial is not progressing.

Learned State counsel, on instructions, submits that the petitioner has been specifically named in the FIR and recovery of knife was effected from him. Out of 33 prosecution witnesses, 7 have already been

examined.

Heard.

Two co-accused, namely, Dilpreet Singh, who allegedly fired gunshot and Sandeep Singh @ Sunny, who has been attributed specific injury on the person of the deceased, have been allowed bail subsequent to the dismissal of the first bail petition of the petitioner on 24.10.2016, whereas, no injury has been attributed to the petitioner. The subsequent orders (Annexures P-9 and P-10) passed by this Court whereby co-accused Dilpreet Singh and Sandeep Singh @ Sunny, were allowed bail and the long incarceration suffered by the petitioner are fresh circumstances in favour of the petitioner. Out of 33 prosecution witnesses, only 7 have been examined so far, thus, it can safely be inferred that the conclusion of trial may take considerable time. The petitioner is in custody since 10.09.2014. Therefore, this Court feels that no useful purpose would be achieved in keeping the petitioner under further incarceration.

Keeping in view the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.03.2018
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(JITENDRA CHAUHAN)
JUDGE

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