

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-8249-2018(O&M)
Date of decision : 11.05.2018

Gurcharan Singh @ Sweety

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Aditya Jain, Advocate
for the petitioner.

Mr. J.S.Walia, Sr. DAG, Punjab.

Mr.Akshay Rana, Advocate
for Mr. S.S.Rana, Advocate
for the complainant.

AMOL RATTAN SINGH, J.(ORAL)

Learned counsel for the petitioner submits that the petitioner was not named either in the FIR registered at the instance of the father of one of the deceased, nor even in the statement shown to be recorded under Section 161 Cr.P.C. of the only surviving injured person, i.e. Randeep Singh, though Randeep Singh named the petitioner as one of the accused at the time when he testified as PW-1.

Learned counsel for the complainant and the State however on the other hand submit that the petitioner having been named by such injured person, he does not deserve the concession of bail, two persons having died in the occurrence.

Upon query to learned State counsel, he submits on instructions that no prosecution witness has been examined out of 47 witnesses listed,

(though as per the order passed by this Court on March 16, 2018, in CRM-M-2901 of 2017 it was recorded that 7 prosecution witnesses out of 45 had been examined).

Considering all the facts taken together without making any comment whatsoever with regard to the culpability of the petitioner or otherwise, which would be gone into by the trial Court wholly on the basis of all evidence led before it, simply keeping in view the facts that he was not shown to be initially named and the majority of the prosecution witnesses are still to be examined, and that he has been in custody for almost 11 months, I consider it appropriate to admit the petitioner to bail, upon his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, with that Court to ensure that the such bonds are of sufficient amount to try and ensure that the petitioner does not abscond.

(AMOL RATTAN SINGH)
JUDGE

May 11, 2018.
Davinder Kumar/dinesh

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No