

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

**Criminal Misc. No. M-1554 of 2019
Date of decision: 14.02.2019**

Sarabjit Singh @ Sabi

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.85 dated 20.09.2015 registered under Sections 302, 201 read with Section 34 IPC at Police Station Koom Kalan, District Ludhiana during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas no evidence is there to connect the petitioner with commission of offence. The case is based on circumstantial evidence. Even as per statement of father of deceased, there was no suspicion regarding cause of death. Even complainant-Chanan Singh has mentioned in his statement dated 27.08.2015 that he did not want to take any action against any person. Thereafter, after a period of 24 days, again statement of complainant was recorded, on which basis, FIR was registered. Learned counsel further submits that nothing has come in the statements of PW3, PW4 and PW5 and they have not supported the case of the

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prosecution. The petitioner is in custody since 20.09.2015. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period but submits that out of total 24 prosecution witnesses, only 10 witnesses have been examined.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody of the petitioner since 20.09.2015; the fact that the case is based on circumstantial evidence; PW3, PW4 and PW5 have not supported the case of the prosecution; out of total 24 prosecution witnesses, 10 witnesses have been examined; trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Sarabjit Singh @ Sabi) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

14.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes