

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

CRM-M No. 2579 of 2019

Date of decision : 26.02.2019

Jagjit Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Jagjit Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short - 'Cr.P.C.') for grant of regular bail to him in case FIR No. 128 dated 06.05.2014 under Sections 222, 223, 224, 364, 342, 302, 201, 120-B and 149 of the Indian Penal Code, 1860, registered at Police Station – Civil Lines, Amritsar, Distt. Amritsar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of extra judicial confession made by the main accused, whereas neither his name was mentioned in the FIR nor any role has been attributed to him. Four co-accused of the petitioner namely Deep Raj Singh, Jagtar Singh alias Kanshi, Ex. Head Constable Lakhwinder Singh and Makhtool Singh have already been released on regular bail on different dates. Petitioner is in custody for

the last more than four years and six and a half months. Learned counsel also submits that the application moved under Section 311 Cr.P.C. is pending before this Court for 08.04.2019. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period of the petitioner as well as release of said co-accused on regular bail.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Without commenting anything on the merits of the case and keeping in view the custody of more than four years and six and a half months as well as the fact that above named four co-accused have already been released on regular bail; although all the prosecution witnesses have been examined still application moved under Section 311 Cr.P.C. is pending and trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

26.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No