

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

CRM-M-3543-2019 (O&M)

Date of decision:30.01.2019

Mandeep Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. J.S.Thakur, Advocate
 for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.97 dated 28.06.2018 under Section 302, 307, 148, 149, 452, 120-B IPC, registered at Police Station Bhogpur, District Jalandhar Rural.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. Even the motive for the incident is not connected with the petitioner in any manner. The name of the petitioner has been sought to be involved in the case only on the basis of disclosure statement of the co-accused. However, even as per that disclosure statement, the petitioner is alleged only to be present at the scene of occurrence. Beyond that, no allegation has been levelled even as per the disclosure statement. It is further contended that even during the investigation, the police have not been able to collect any evidence to connect the petitioner to the alleged crime. The petitioner is in custody since 01.07.2018. The investigation of the case is complete and the case is fixed for framing of the charge.

On the other hand, learned State counsel, being instructed by ASI Balbir Singh, submits that the petitioner has been positively named by the co-accused as the person who was present on the scene of the occurrence. However, it is not disputed that except the disclosure statement of the co-accused, there is no other evidence against the petitioner. It is also not disputed that the petitioner is in custody since 01.07.2018.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

30.01.2019
Hemlata

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