

Sr. No.212

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

CRM-M-5228-2019

Date of decision:09.07.2019

Kuldeep Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rohan Sharma, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.79, dated 29.08.2018 for the offences punishable under Sections 307,341,34 IPC registered at Police Station Banur, District Patiala.

Learned counsel for the petitioner contends that the entire dispute between the complainant and the petitioner had emerged from misunderstanding. As a result, while appearing before the Trial Court as a witness, neither the complainant has supported the case of the prosecution nor has the injured supported the same. Therefore, there is no evidence either with the prosecution or led on the file of the case before the Trial Court to substantiate the allegations against the petitioner. Still further it is submitted that the petitioner is in custody since 31.08.2018. Trial is already going on, therefore, the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel being instructed by ASI Suba Singh, submits that petitioner is involved in heinous crime.

However, it is not disputed that the complainant and the injured witness have not fully supported the case.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

9th July, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*