

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-5441-2019 (O & M)
Date of Decision: October 24, 2019

MANDEEP KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 37, dated 09.03.2015, under Sections 302, 392 and 34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Moga City, District Moga.

Learned counsel for the petitioner contends that co-accused was arrested later and *de novo* trial has commenced which is likely to take sometime. He also contends that the petitioner was 19 years old at the time of occurrence. In the statement of the complainant, who had appeared as PW-1, it is stated that sole gun shot which lead to the death of the deceased was fired by the co-accused, namely, Peter and the petitioner is alleged to have exhorted the co-accused who had fired. He further states that the petitioner is in custody for over 4 ½ years. He is not involved in any other case.

Learned State counsel upon instructions from HC Harmesh Lal states that 07 out of 13 prosecution witnesses have been examined and 02 have

been given up. He is not in a position to controvert the submission of the learned counsel for the petitioner that the petitioner is only alleged to have exhorted the co-accused who had fired.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is 19 years old, he is in custody for over 04½ years and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

October 24, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No