

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

**Criminal Misc. No. M-15693 of 2018
Date of decision: 04.02.2019**

Gopal Sharma @ Gopi

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. 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.29 dated 17.02.2012 registered under Sections 302, 201, 202 read with Section 34 IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib, Punjab during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas there was no evidence to connect him with commission of offence. The petitioner never visited the house of the complainant on the date of occurrence. The FIR was registered against unknown persons. Statement of complainant has been recorded and he has not supported the case of the prosecution. Learned counsel further submits that the Police did not solve the case for a period of five years and thereafter, one person, namely, Balwinder Singh made a statement that on 08.09.2017, he was present at the tubewell and heard the conversation of

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petitioner with other persons that five years ago, they killed the servant of Joginderpal Singla, namely, Ram Bahadur. Learned counsel also submits that on the basis of hearsay evidence, the petitioner has been implicated in the case. Said Balwinder Singh has been examined and he has not supported the case of the prosecution. The petitioner is in custody since 11.09.2017. Out of total 24 prosecution witnesses, 13 witnesses including the material witnesses have been examined. No connecting evidence has come in the statement of witnesses recorded so far.

Learned State counsel has not disputed the custody period as well as stage of trial.

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 submissions made by learned counsel for the petitioner that the petitioner is in custody since 11.09.2017; out of 24 prosecution witnesses, 13 witnesses have been examined; complainant has not supported the case of the prosecution; nothing has come in the statements of the witnesses recorded so far; 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 (Gopal Sharma @ Gopi) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

04.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes