

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

CRM-M-10005-2019 (O&M)
Date of decision : 11.03.2019

Balwinder Singh @ Bhinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Maloo Chahal, DAG, Punjab,
assisted by ASI Paramjit Kumar.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.38 dated 25.02.2015, registered under Sections 302, 307, 323, 324, 326, 212, 216, 506 and 148 read with Section 149 of the Indian Penal Code (for short, 'the IPC'), at Police Station Gate Hakima, District Amritsar.

Contends that the petitioner has been falsely implicated in the instant case. He was declared innocent during the initial investigation carried out by the police and supplementary challan under Section 173(8) Cr.P.C. Was filed to the effect that the petitioner was not even present at the spot. All the material witnesses have been examined and none has supported the case of the prosecution. Out of 39 prosecution witnesses, only 6 have been examined so far. The petitioner is not involved in any other FIR. All the co-accused, including main accused Jasbir Singh, have been admitted to bail. The petitioner is in custody since 25.02.2015.

On the other hand, learned State counsel submits that the petitioner is specifically named in the FIR. However, on instructions, she admits that there is no other case pending against the petitioner. Custody certificate supplied by learned State counsel in the Court, is taken on record.

Heard.

This is the seventh petition moved by the petitioner for grant of bail. All the material witnesses including the complainant have not supported the case of the prosecution. The co-accused including the main accused have already been admitted to bail. The petitioner is not involved in any other FIR. He is in custody since 25.02.2015. Only 6 out of 39 witnesses cited by the prosecution have been examined so far, therefore, it can safely be presumed that the conclusion of trial may take considerable time.

The period of long incarceration and the conduct of the complaint are the circumstances in favour of the petitioner.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.03.2019

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No