

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

**CRM-M No. 22382 of 2018
Date of decision : 08.01.2019**

Sandeep Kumar alias Johan

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') for grant of regular bail to the petitioner in case FIR No.13 dated 23.01.2018 under Sections 307/341 of the Indian Penal Code, 1860 and Sections 27/30 of the Arms Act, registered at Police Station – Model Town, Distt. Hoshiarpur, during pendency of the trial.

Learned counsel for the petitioner submits that after presentation of challan, charges were framed and out of total 20 prosecution witnesses, two witnesses have been examined including the complainant and the injured and both of them have not supported the case of the prosecution. The petitioner is in custody since 24.01.2018. There was no reason for the petitioner to fire shot upon the son of the complainant and there was no previous enmity or grudge against him. There was no litigation

pending between them. Motive is not there to commit the offence. Learned counsel also submits that trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period of the petitioner as well as recording statements of the complainant and injured. It has also not been disputed that both the witnesses have not supported the case of the prosecution.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other documents on the file.

By considering the custody of the petitioner since 24.01.2018 and also the fact that two prosecution witnesses have been examined so far including the complainant and the injured and they have not supported the case of the prosecution, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

08.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No