

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

**CRM-M-13372-2019
Date of decision: 01.04.2019**

Vijay Kumar @ Giani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 20 dated 24.02.2016, under Sections 302, 148 and 149 of the IPC, Sections 25, 54 of the Arms Act, 1959 (Section 120-B IPC and Section 59 of Arms Act added later on), registered at Police Station Cantt. Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that petitioner was not named in the FIR and was nominated on the disclosure of co-accused Kulwinder Singh.

Learned counsel for the petitioner further submits that the FIR was registered against eight persons, out of which, six persons including aforesaid Kulwinder Singh, who faced full length trial, were acquitted by the trial Court, vide judgment dated 06.08.2018 and while acquitting these accused persons, the trial Court has recorded a finding that the prosecution witnesses could not prove the guilt of the accused persons.

It is further submitted that petitioner was initially declared a proclaimed offender and thereafter, he was arrested and now he is also facing trial.

Learned counsel for the petitioner further submits that petitioner is in custody for the last five months and ten days and charges have been framed on 19.03.2019 and it will take some time in conclusion of the trial.

Learned State counsel, on the basis of the custody certificate filed today in Court and on instructions from ASI Balwinder Singh, could not dispute the factual position, however, submitted that petitioner is involved in some other FIRs under the NDPS Act.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was nominated on the disclosure of co-accused Kulwinder Singh, who has already been acquitted by the trial Court vide judgment dated 06.08.2018 and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

01.04.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*