

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

**Criminal Misc. No. M-27879 of 2018
Date of decision: 04.02.2019**

Sunny Kumar @ Sunny and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of regular bail to them 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 petitioners submits that the petitioners have falsely been implicated in the case whereas there was no evidence to connect them with commission of offence. The petitioners 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, one Gopal Sharma @ Gopi was present at the tubewell and heard the conversation of petitioners 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 petitioners have been implicated in the case. Said Balwinder Singh has been examined and he has not supported the case of the prosecution. The petitioners are 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 petitioners 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 petitioners that the petitioners are 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 petitioners in custody, the present petition is allowed and the petitioners, namely, Sunny Kumar @ Sunny and Chetan Kumar are directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

04.02.2019
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes