

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

**Criminal Misc. No. M-31664 of 2018
Date of decision: 05.03.2019**

Dharampal Singh @ Dharma

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Ms. Samina Dhir, 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 in case FIR No.140 dated 18.07.2017 registered under Section 307 read with Section 34 IPC at Police Station City Moga, District Moga.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and is in custody since 13.08.2017. Co-accused of the petitioner, namely, Jagdeep Singh and Maddi have been released on regular bail by this Court vide orders dated 06.12.2017 and 18.01.2019 passed in CRM-M No.45590 of 2017 and CRM-M No.31614 of 2018, respectively. Out of total 17 prosecution witnesses, four witnesses including complainant and injured have been examined. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

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Learned State counsel has not disputed the custody period as well as stage of trial and also the fact that complainant and injured have been examined. She has opposed grant of regular bail to the petitioner on the ground that the petitioner being the main accused cannot claim parity with his co-accused.

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 that the petitioner is in custody since 13.08.2017; his two co-accused have been released on regular bail by this Court; out of total 17 prosecution witnesses, four witnesses have been examined including complainant and injured; still trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Dharampal Singh @ Dharma) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

05.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No