

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

CRM-M No. 17531 of 2019
Date of decision : May 28, 2019

Nilson Masih

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Varinder Basa, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR No.46, dated 27.10.2011, registered under Sections 302, 307, 148, 149 of the IPC and Sections 25, 54 of the Arms Act, at Police Station Kotli Surat Malhi, District Gurdaspur.

The petitioner was not earlier arrested and, therefore, was not tried with the other accused and was declared proclaimed offender. He could be arrested only on 25.9.2017 and ever since has been in custody.

Counsel for the petitioner has argued that those persons who had faced the trial were acquitted because the prosecution witnesses had turned hostile. Learned DAG Punjab, on instructions from ASI Navjeet Singh, points out that there are three other cases pending against the

petitioner but she has accepted that the other accused were acquitted since the prosecution witnesses had turned hostile.

Custody certificate has been filed, as per which the petitioner has been in custody for 1 year 8 months and 2 days. In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court/Duty Magistrate. It is made clear that in case the petitioner does not furnish surety bonds pursuant to this bail order, he would not be entitled to claim the period from today onwards as custody period in the present case.

Petition stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 28, 2019
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No