

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36319-2018 (O&M)

Date of decision:06.03.2019

Hardev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sarwinder Goyal, Advocate
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.81 dated 06.09.2016 under Sections 307, 201, 34 of IPC and Sections 25/27 of Arms Act, registered at Police Station Phool District Bathinda.

Learned counsel for the petitioner contends that the name of the petitioner has not been mentioned in the FIR. Even the allegation in the FIR is that the alleged assailants were having muffled faces. Subsequently, on the alleged supplementary statement of Binder Kaur, the name of the petitioner has been sought to be involved; only on the basis of the suspicion. Even the said Binder Kaur has not explained as to how she had the suspicion against the petitioner only. It is also submitted that the challan has already been filed in this case. The petitioner is in custody since 14.06.2018. The petitioner is not required for any investigation purposes. The trial shall take a long time.

On the other hand, learned counsel for the State, being instructed by HC Ranbir Singh submits that the Investigating Officer has not come prepared with the case. He does not know anything about the facts of the case. However, it is submitted that there is a gun shot injury as

per the medical record. It is not disputed that the challan has already been filed in this case and that the name of the petitioner was not mentioned in the FIR, in the first instance.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

06.03.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No