

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

CRM-M No. 43380 of 2018

Date of decision : 12.03.2019

Gadu Naath @ Guddu Nath

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Rishabh Sharma, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Gadu Naath @ Guddu Nath under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.207 dated 29.09.2014 under Sections 458, 459, 395, 396, 397, 460, 148, 149 of the Indian Penal Code, 1860, registered at Police Station – Sohana, Distt. SAS Nagar, Mohali, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. Co-accused of the petitioner namely Kassam Deen, Lal Hussain, Hassan Deen, Chichu @ Noor Mohammad have already been released on anticipatory bail. Petitioner is in custody since 16.12.2014. All the material prosecution witnesses have been examined and there is no possibility that the petitioner may influence the witnesses.

Learned State counsel at the very outset submits that all the

prosecution witnesses have been examined and now the case is fixed for recording statements of accused under Section 313 Cr.P.C. He also submits that the trial has almost concluded and the petitioner does not deserve concession of bail at this stage.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

By considering the contentions raised by learned counsel for the petitioner, the period of custody since 16.12.2014 and also the fact that only statements of the prosecution witnesses have been recorded and still statements of accused under Section 313 Cr.P.C. and thereafter, statement of defence witnesses are also to be recorded; in case the petitioner is released on bail, he would be in better position to assist his counsel for producing defence evidence. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

12.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No