

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

**CRM-M No.48340 of 2018
Decided on: 17.01.2019**

Sagar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Gurna, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.121 dated 03.09.2016, for offence punishable under Sections 307 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Sadar Patiala, District Patiala.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 09.06.2018, challan stands presented and charges have been framed however, no witness of the prosecution has been examined so far. It is further submitted that as per the medico legal report, it will be a debatable issue whether the injury sustained by the injured was declared dangerous to life or not. It is also submitted that the co-accused of the petitioner namely Harjeet Singh, has already been granted the concession of anticipatory bail vide order dated 16.05.2018 passed in CRM-M No.46296 of 2017.

Counsel for the State, on the basis of the Custody

Certificate already on record and on instructions from ASI Harnek Singh, has not disputed the factual position that the investigation is complete and no witness of the prosecution has been examined so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 09.06.2018; challan stands presented; the prosecution witnesses are yet to be examined; the co-accused of the petitioner namely Harjeet Singh, has already been granted the concession of anticipatory bail and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2019

yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No