

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

CRM-M No.51622 of 2018

Date of Decision: 09.01.2019

Gurmukh Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gurpreet Singh Dhillon, Advocate
for the petitioner.
Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Gurmukh Singh in case FIR No.34 dated 06.03.2014 registered under Sections 302, 482, 120-B, 148 read with Section 149 of the Indian Penal Code and under Sections 25 and 27 of the Arms Act at Police Station Model Town, Hoshiarpur, Punjab.

Learned counsel for the petitioner submits that the name of the petitioner was not initially mentioned in the FIR. He was implicated in the case after a period of three days as his name was figured for the first time in the supplementary statement made by the complainant.

As per allegations levelled in the supplementary statement, the petitioner has been shown to be armed with pistol and he fired a shot in the air. There was no injury caused to any person. Even there was no intention to cause injury. Learned counsel also submits that the petitioner is in custody for the last approximately 3½ years. Co-accused of the petitioner, namely, Shehbaz Singh @ Shahu had approached this Court by way of filing **CRM-M No.36829 of 2017** and he was released on regular bail vide

order dated 05.04.2018. All material witnesses have been examined. There are total 34 witnesses, out of which, 11 witnesses have been examined. Still the trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has not disputed the stage of trial; the custody of the petitioner and also the fact that his co-accused has been released on regular bail but has opposed the submissions made by learned counsel for the petitioner on the ground that the case of the petitioner is different from his co-accused as the petitioner remained as a proclaimed offender for some time.

Heard the arguments of learned counsel for the parties and have also perused the contents of FIR as well as other documents available on the file including the order passed in the case of co-accused.

By considering the submissions made by learned counsel for the petitioner that the petitioner was subsequently implicated on the basis of supplementary statement and also the fact that he is in custody for the last approximately 3½ years; co-accused, namely, Shehbaz Singh @ Shahu has been released on regular bail; all material witnesses have been examined and still the trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars, the present petition is allowed and petitioner, namely, Gurmukh Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(DAYA CHAUDHARY)
JUDGE

09.01.2019

gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No