

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

**Criminal Misc. No. M-54025 of 2018
Date of decision: 27.03.2019**

Sagar

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. D.K. Bhatti, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.36 dated 03.03.2018 registered under Sections 452, 306, 323, 379, 148 and 149 IPC at Police Station Rama Mandi, District Jalandhar during pendency of the trial.

Learned counsel for the petitioner submits that neither the petitioner was named in the FIR nor any role has been attributed to him. The petitioner has been implicated in the case only on the basis of statement made by co-accused, which has no evidentiary value. The injuries caused to complainant are simple in nature and at the most it can be a case under Section 323 IPC. Learned counsel further submits that the version of the prosecution is self-contradictory as firstly the alleged dispute was between Ram Saran and Suresh Kumar. Kuldeep Singh jumped into the dispute and

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came to the house of the complainant and gave beatings to the complainant and his nephews. Further it is also alleged that Bablu came out of the room and for no reasons, he was dragged to the railway line where he committed suicide. No link evidence is there to connect the petitioner with the alleged offence. Learned counsel also submits that co-accused Kuldeep Singh, who is similarly situated, has been released on regular bail vide order dated 17.11.2018 passed by this Court in CRM-M No.23436 of 2018. Two more co-accused, namely, Manpreet Singh and Harpreet alias Happy, have also been released on regular bail by this Court vide order dated 07.12.2018 passed in CRM-M No.49243 of 2018. Learned counsel also submits that no suicide note was recovered from the body of the deceased and no offence is made out under Section 306 IPC. The DDR was got recorded at the instance of driver of the train by stating that it was a case of accident. The petitioner is in custody since 17.07.2018. There are total 23 prosecution witnesses and none has been examined so far.

Learned State counsel has not disputed the custody period; stage of trial as well as release of co-accused on regular bail by this Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody since 17.07.2018; three co-accused have been released on regular bail by this Court; out of total 23 prosecution witnesses, none has been examined; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Sagar) is directed to be released on

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regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

27.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes