

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

**CRM-M No.8523 of 2018 (O&M)
Date of decision : 01.05.2019**

Kulwinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. Sunny K.Singla, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.116 dated 27.06.2017 registered under Sections 307 read with Section 34 of IPC and Sections 25/27 of the Arms Act at Police Station Samana, District Patiala.

On 01.02.2019 the following order was passed :-

“The petitioner is seeking regular bail on the ground of custody, which is since 29.06.2017.

Case was adjourned on the last date of hearing as complainant and injured were not examined.

No doubt the custody period is longer but examination of above said witnesses is necessary.

The trial Court is directed to make all efforts to examine complainant and injured on the next date of hearing i.e. 15.02.2019. The prosecution is also directed to ensure presence of both the witnesses on the date fixed.

Adjourned to 28.02.2019.”

It is not disputed that till date the said two witnesses could not be examined and it is also not disputed that the petitioner has been in custody since 29.06.2017.

From the order of 01.02.2019, it is clear that the petitioner has been in custody since 29.06.2017.

Learned Deputy Advocate General on instructions from ASI Kashmir Singh has accepted these facts.

Be that as it may and keeping in view the above facts and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

01.05.2019

pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No