

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

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**CRM-M-29759-2019
DATE OF DECISION: 22.07.2019**

ASHWANI KUMAR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Anterpreet Singh, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.230 dated 11.10.2018, under Sections 302, 120-B IPC and Sections 25/27 of the Arms Act (Section 473 IPC and Section 30 of the Arms Act added later on), registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he was not named in the FIR wherein it is alleged that accused, namely, Gurwinder Singh @ Guri had killed Mandip Singh @ Monty by firing five revolver shots. It is also alleged that Gurwinder Singh @ Guri had killed the deceased at the behest of Balwinder Singh @ Tittu who had suspected the deceased having illicit affair with his wife. He further states that the petitioner was arraigned as an accused as the weapon which was used in the commission of the crime belongs to the petitioner and had been mortgaged by the petitioner with the co-accused Baljinder Singh @ Billa. There is no other prima facie evidence which would connect the petitioner with the crime. The co-accused Baljinder Singh @

Billa has been granted regular bail by this Court in CRM-M-18311-2019 on 09.07.2019. He also states that the petitioner is not involved in any other case. He is in custody since 09.11.2018.

Learned State counsel, upon instructions from SI Chaman Singh, is not in a position to controvert the submissions of learned counsel for the petitioner. He, however, states that the investigation has been completed, charges have been framed but no witness has been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially when no overt act has been attributed to the petitioner, he is in custody for over 8 months, the co-accused has been granted bail and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

22.07.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No