

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

250

CRM-M-30469 of 2019

Date of decision : 25.07.2019

Nishan Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Karan Sachdeva, Advocate for the petitioner.

Mr. Dhruv Dayal, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No. 52, dated 06.06.2018, under Sections 302, 148, 149 IPC and Section 25 of the Arms Act, registered at Police Station Kamboj, District Amritsar, later on added offences under Sections 120-B IPC and Section 27 of the Arms Act.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it was alleged that Gurjant Singh had fired a shot and he was accompanied by Gurbinder Singh and Simar. Four-five unidentified persons were also standing there. He further contends that the petitioner was arraigned as an accused on the extra judicial confession before Devinder Singh on 12.06.2018 who had naturally expired on 22.06.2018. He also contends that Mehar Singh (PW-1) and Balwinder Singh (PW-2) in their deposition, have not supported the prosecution case and have not named the petitioner. The petitioner is not involved in any other case and is in custody for over one year and one month. He also contends that similarly situated co-accused, namely, Gurwant Singh @ Manga, has been granted regular bail by this Court in CRM-

Learned State counsel has filed custody certificate in Court, which is taken on record. This certificate indicates that the petitioner has undergone sentence for one year and twenty-nine days as on 24.07.2019 and is not involved in any other case. He, upon instructions from ASI Ravinder Singh, is not in a position to controvert the submissions made by learned counsel for the petitioner that PW-1 & PW-2, who are the brother and father of the deceased respectively, have neither supported the prosecution case nor named the petitioner. He also states that 4 out of 33 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is not named in the FIR, is not involved in any other case and is in custody for almost one year one month and 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.

(ANUPINDER SINGH GREWAL)
JUDGE

July 25, 2019

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No