

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

211

**CRM-M-49679-2019(O&M)
Date of decision : 18.12.2019**

BUNTI @SARABJIT

.....Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.
 Mr. Hittan Nehra, Addl. A.G., Punjab
 Mr. Munish Puri, Advocate, for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail pending trial in a criminal case arising out from FIR No.188, dated 08.11.2018, registered under Sections 302/307/148/149 IPC and Section 25 of the Arms Act, 1959, at Police Station Dinanagar, District Gurdaspur, Punjab.

Learned counsel for the petitioner while relying upon orders Annexures P-2, P-3, P-4 and P-5 submits that co-accused of the petitioner have been granted concession of regular bail and the allegations against the aforesaid co-accused are similar.

As per FIR, petitioner was unarmed, whereas Devinder Saini and Kaka were armed with fire arms and killed Mukhvinder Singh. The petitioner is in custody for more than 8 months. The prosecution intends to examine 37 witnesses but no one has been examined yet.

On 12.12.2019, after hearing learned counsel for the parties, following order was passed:-

“Learned counsel for the State prays for time to check the correctness of the submissions made by learned counsel for the petitioner that in FIR No.53, dated 17.10.2018, registered under Sections 323, 325,

*148, 149 of the Indian Penal Code at Police Station Taragarh, District Pathankot, Deputy Superintendent of Police on enquiry has found the case to be false and recommended cancellation thereof.
Adjourned to 18.12.2019.”*

Learned State counsel, on instructions from ASI Mohan Lal, has submitted that the cancellation report in the aforesaid case has been prepared.

Learned counsel for the first informant-victim has submitted that it is the petitioner, who was having grudge against the deceased and his family members because of previous FIR No.53, dated 17.10.2018.

Once in FIR No.53, dated 17.10.2018, the police has, on conclusion of the enquiry, found the case to be false and recommended cancellation thereof, concession of bail to the petitioner on this ground alone cannot be denied.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for more than 8 months and the trial of the case is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

December 18, 2019

**(ANIL KSHETARPAL)
JUDGE**

nt

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No