

S.No.225

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

CRM-M-51978 of 2019 (O&M)

Date of Decision:12.12.2019

Lakhbir Singh @ Gabbar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.S. Bhalla, Advocate with Ms. Supriya Arora,
Advocate for the petitioner.
Mr. Harbir Sandhu, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.173 dated 17.08.2018 registered under Sections 302, 201, 34 IPC at Police Station Jandiala Guru, District Amritsar.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The only assumption for involving the petitioner in the present case is that the deceased was, allegedly, last seen with the petitioner on the previous date in the morning. Besides the bald statement, there is no other evidence either to connect the petitioner to the murder of the deceased or even to prove the fact that the petitioner was, actually last seen with the deceased. The challan has already been filed. No material has been supplied to the petitioner to show his complicity with the act of murder of the deceased as such. Mere statement of the last seen is not even sufficient to convict the petitioner for the offence of murder of the deceased. The petitioner is in custody since 14.08.2019. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State Counsel, being instructed by ASI Victor Singh, submits that the petitioner is involved in a heinous crime. However, it is not disputed that except the statement of last seen, there is no other evidence on the file, connecting the petitioner to the act of murder of the deceased. It is also not disputed that there is no other case against the petitioner.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 12, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No