

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

**CRM-M No. 4001 of 2019 (O&M)
Date of decision: - 22.01.2020**

Chamkaur Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Arshit Goel, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 08 dated 16.01.2016 registered under Sections 307, 323, 325, 506, 120-B, 148 and 149 IPC and Section 302 IPC added later on, at Police Station Doraha, District Khanna (Ludhiana).

Learned counsel for the petitioner states that no specific injury is attributed to the petitioner and alleged to have handle of spade. The petitioner has been in custody since 30.05.2016 and the application dated 15.02.2018 under Section 311 Cr.P.C. is pending till date. The prosecution witnesses have not been examined.

On the instructions from ASI Jarnail Singh, learned State counsel states that out of 20 prosecution witnesses, only 3 witnesses have been examined.

I have heard the learned counsel for the parties. The petitioner has been in custody since 30.05.2016 and since 15.02.2018 neither any prosecution witness has been examined nor the application under Section 311 Cr.P.C. has been decided. No useful purpose would be served by detaining the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.01.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No