

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

205

CRM-M No.13826 of 2020 (O&M)
DATE OF DECISION : 29th JULY, 2020

Harpreet Singh @ Bania

.... **Petitioner**

Versus

State of Punjab

.... **Respondent**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====

In virtual Court

=====

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

CRM-12099-2020

The application is allowed as prayed for.

CRM-M No.13826 of 2020

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.101 dated 22.06.2019 registered under Section 302 read with Sections 148, 149 & 120-B IPC and Section 52-A of Prison Act, at Police Station Sadar Nabha, District Patiala.

It is contended by the counsel for the petitioner that the case against the petitioner is baseless. Even during the investigation, the police had not found any incriminating evidence against the petitioner. Therefore, the petitioner was kept in column No.2 in the final report. However, in view of the disclosure statement made by the co-accused, the trial court has taken cognizance of the offence against the petitioner, as well, by exercising powers under Section 193 Cr.P.C. Accordingly,

the petitioner was taken in custody in this case on 24.06.2019. It is also submitted that the petitioner was in custody in other case at the time of the alleged crime involved in this case. The evidence in the case has already started. However, only 2 witnesses have been examined by the prosecution out of total 22 witnesses.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State and has filed reply.

Learned State counsel, being instructed by SI Winderjeet Singh, has submitted, and it is also so recorded in the reply that the police had not found any incriminating material against the petitioner. Accordingly, he was not arrested in the case and was put in column No.2 of the final report. It is also not disputed that the petitioner was in custody in other case on the date of incident involved in the present case. It is also not disputed that the petitioner is in custody since 24.06.2019 and that only two witnesses have been examined out of total 22 witnesses.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

29th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>