

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

**CRM-M-14496-2020
Date of decision: 25.06.2020**

Sukhwinder Singh @ Shani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

Mr. R. S. Thind, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 37 dated 09.03.2015, registered under Sections 302, 392 and 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station City Moga, District Moga.

Learned counsel for the petitioner contended that the petitioner is in judicial custody since 26.03.2015 and despite his custody being over five years, the prosecution evidence is not yet concluded as out of total 13 prosecution witnesses, 10 witnesses have been examined so far.

Learned counsel for the petitioner has relied upon order dated 24.10.2019, vide which co-accused Mandeep Kumar was granted concession of regular bail by this Court and while granting bail to co-accused Mandeep Kumar, this Court has noticed that it has come in the statement of PW-1/complainant that the sole gun shot, which led to the death of deceased, was fired by co-accused Peter.

Learned counsel for the petitioner further submitted that the petitioner was an auto rickshaw driver and complainant Sanjeev Kumar has not identified the petitioner.

Learned State counsel could not dispute the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody for the last more than five years; co-accused Mandeep Kumar has already been granted concession of regular bail by this Court as noticed above and also in view of the fact that conclusion of trial is likely to take some time as it is still at the stage of prosecution evidence, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

25.06.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No