

CRM-M-18550-2020

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

CRM-M-18550-2020

Date of Decision: 17.08.2020

Shahzad Khan @ Sanju

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.N.Ganeriwala, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Deputy
Superintendent, Central Prison, Faridkot, has been filed through e-mail.
Print out of the same is taken on record.

Affidavit of the Assistant Commissioner of Police, Industrial
Area-A, Ludhiana, has been filed through e-mail. Print out of the same is
taken on record.

Through this petition, the petitioner seeks regular bail in case
bearing FIR No.11 dated 21.01.2019, registered at Police Station Jamalpur,
District Ludhiana, under Sections 302, 364, 346, 201 and 34 IPC.

Learned counsel for the petitioner contends that as per the birth
certificate, age of the petitioner as on the date of occurrence was 17½ years;
that after seven days of getting the FIR registered, complainant-Tejinder

CRM-M-18550-2020

Singh named one Shahnawaz Khan in his supplementary statement and that it was on the disclosure statement of co-accused, Shahnawaz Khan, three more persons, including the present petitioner, were indicted as accused in the aforesaid FIR. He further contends that the petitioner being a juvenile, has been in custody for the last more than 01 year and 06 months.

On the other hand, learned State counsel opposes the prayer made in the present petition. However, he does not dispute the factum of age of petitioner as 17½ years as on the date of occurrence. He also admits that out of 25 prosecution witnesses, none has been examined.

I have heard the learned counsel for the parties.

The petitioner has been indicted as an accused on the basis of disclosure statement suffered by co-accused, Shahnawaz Khan. He has been in custody since 05.02.2019. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.08.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No