

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

210

CRM-M No.25384 of 2020

Date of Decision: September 4th, 2020

Bagdeen

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.108 dated 13.08.2019 registered under Sections 302, 392, 34, 120-B IPC at Police Station Dialpura, District Bathinda.

It is the contention of learned counsel for the petitioner that even going by the FIR, there is no role, which is attributed to the petitioner with regard to the commission of offence under Section 302 IPC is concerned. The allegations, if any, are with regard to he having taken away sheep and goats on his vehicle *Chota Hathi* in connivance with the co-accused. Charge under Section 302 IPC has been connected with the petitioner with the help of Section 120-B IPC. Counsel contends that the petitioner is in custody since 17.08.2019 with examination-in-chief of only two witnesses having been recorded out of 12 witnesses, with the trial not likely to conclude in near future and the petitioner is in custody for more than one year, he prays that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State asserts that the petitioner along with the others have connived for committing an offence

and it is in pursuance thereto that the petitioner along with the other co-accused had committed the offence and, therefore, cannot run away from the aspect of a gruesome murder having been committed. He, however, could not dispute the role, which has been attributed to the petitioner in the FIR as also with regard to the stage of the trial.

Having considered the submissions made by the counsel for the parties and keeping in view the role, which has been attributed to the petitioner in the FIR, it is apparent that he did not actually participate in the commission of the murder of Gurcharan Singh @ Channa, the petitioner who is in custody for more than one year as per the custody certificate, with the trial not likely to conclude in near future in the prevailing circumstances, continuation of the petitioner in further custody would not serve any useful purpose, the present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Bathinda.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 4th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No