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

CRM-M-25469-2020

Date of decision: 06.11.2020

SUKHJIT SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jasmeet Singh Ghuman, Advocate,
for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.106 dated 17.10.2019 registered under Sections 302/120-B of IPC (Section 25 of Arms Act, 1959 added lateron) at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner submits that no role has been attributed to the petitioner in the commission of alleged occurrence except that he was found in the car in which the other co-accused were travelling that too on the day after the alleged occurrence. Petitioner is in custody since 18.10.2019. As against 32 witnesses cited by the prosecution, only one witness has been examined.

Learned State counsel does not dispute the custody and the stage of trial.

I have heard learned counsel for the parties.

Petitioner is in custody since 18.10.2019. The injury has not been given by the petitioner, rather the stab blow which led to the death of Karan was given by Jaspinder Singh. The only allegation against the petitioner is that he was found in the company of the co-accused at *naka* that too day after the occurrence. In this manner, culpability of the petitioner is yet to be established during trial. Thus, this Court deems it appropriate to admit him on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

06.11.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No