

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

Sr. No.205

**Crl. Misc. No.M-27212 of 2020
DATE OF DECISION: 07.10.2020**

SIMRA SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. APS Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks grant of regular bail in case FIR No. 77 dated 19.10.2016 registered at Police Station Kotbhai, District Sri Muktsar Sahib, under Sections 302, 307, 379, 436, 336, 427, 324, 323, 148, 149, 120-B IPC and Sections 25 & 27 of Arms Act, 1959.

Learned Senior counsel for the petitioner submits that the petitioner has been in custody for more than three and a half years. The trial has not progressed much and only one witness has been examined in chief till date. It is evident that the trial will take a long time to conclude. The petitioner was not named in the FIR. Complainant-Ranjit Singh got a supplementary statement recorded and named the petitioner as being armed with a pistol and having fired the same. However, during his chief

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examination in Court, he has not attributed any firing by the petitioner. Three of the co-accused, who are similarly situated as the petitioner, have been granted regular bail by this Court vide order dated 27.08.2020 passed in CRM-M-4691-2020 (Annexure P-2) and thus, the petitioner also deserves to be granted regular bail.

Custody certificate dated 06.10.2020 has been produced in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 03 years, 10 months and 23 days and there is no other criminal case pending against him.

Learned State counsel concedes the status of the trial. He also concedes that PW-Ranjit Singh has not attributed any overt-role to the petitioner in his examination-in-chief. There can be no denial of the fact that similarly situated co-accused have been granted regular bail by this Court as the order is on record.

Thus, keeping in view the custody period, the status of the trial, principle of parity and the fact that as on date there is no evidence on record which indicates that the petitioner used his weapon, I deem it appropriate to grant him regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

07.10.2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No