

CRM-M-34461-2019

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

CRM-M-34461-2019
Date of Decision: 13.01.2020

Makhan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for 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 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that as per the FIR, when the alleged occurrence had taken place, the petitioner had already left the premises and had never participated in the occurrence. The alleged occurrence had taken place at his back. The petitioner has been in custody since 28.10.2016.

On the other hand, learned State counsel argues that there are specific allegations against the petitioner and Pritam Singh that they had

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the *Gurdawara Sahib*. In the crime, rifle of the petitioner had been used. The learned State counsel, on instructions from ASI Jagdish Singh, does not dispute the period of detention of the petitioner. He further states that out of 46 prosecution witnesses, none has been examined.

I have heard learned counsel for the parties.

Challan has already been presented in the present case. The petitioner has been in custody since 28.10.2016. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him 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.

13.01.2020
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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