

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 48366 of 2019

Date of Decision: 15.1.2020

Kamaljit Singh @ Tinku Cheema

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner seeks regular bail in FIR No. 81 dated 13.10.2017 under Sections 306, 302, 397, 364, 34 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner very fairly states that the first bail application of the petitioner was dismissed on 21.1.2019 on the ground that the petitioner was involved in eight other cases. He further submits that the petitioner stands acquitted in seven cases and in the present case, he has been involved only on the extra judicial confession of the co-accused. Learned counsel for the petitioner has relied upon the report of Forensic Science Laboratory (Annexure P-3) and submits that from the said report it could not be found that the petitioner had fired from the weapon which was

allegedly recovered from him. Lastly, learned counsel for the petitioner submits that the last seen witness has also not supported the prosecution version.

Learned State counsel, on instructions from ASI Baljeet Singh, submits that out of 27 prosecution witnesses, 22 witness have been examined. He further submits that the first bail petition of the petitioner was dismissed on merits

The petitioner has been in custody since 20.4.2018. The trial will take time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

January 15, 2020
Gurpreet

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