

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

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**CRM-M-51161-2019 (O&M)  
Decided on : 17.02.2020**

**Bal Kishan @ Guddu**

**.. Petitioner**

**VERSUS**

**State of Punjab**

**.. Respondent**

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr.Vijay Lath, Advocate  
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition under Section 439 of the Code of Criminal Procedure has been filed for grant of regular bail to the petitioner in case FIR No.67 dated 14.05.2019, under Sections 307, 323, 324, 148, 149 IPC, registered at Police Station Phase 11, S.A.S. Nagar (Mohali), Tehsil and District S.A.S. Nagar (Mohali), Punjab.

Learned counsel for the petitioner has *inter alia* argued that no role has been attributed to the petitioner even as per the contents of FIR. He has further stated that he was wrongly roped in the present FIR and is in custody since 14.05.2019. He has further submitted that out of 28 witnesses cited, only 8 have been examined. He has further contended that the order passed by a Co-ordinate Bench of this Court vide Annexure P-2, the co-accused, namely, Balkaur Singh has already been granted bail. Since no role was attributed to the petitioner, may be admitted on bail.

Learned State counsel on instructions from ASI Jatinder Kumar states that trial is commencing, the allegation is serious in nature so, therefore, he has opposed to grant of bail.

Heard learned counsel for the parties and have also gone through the record.

In the present case, as per FIR, no role was statedly attributed to the petitioner. However, without going into the merits of the case and considering the fact that no role was statedly attributed to the petitioner and he has remained in custody since May 2019 and further only 8 witnesses have already been examined, the prayer of the petitioner needs to be considered in this context. Apart from this, similarly situated person namely-Balkaur Singh vide Annexure P-2 has already been granted bail by a Co-ordinate Bench of this Court.

Considering the totality of circumstances and after going through the records, I deem it appropriate to grant the benefit of bail to the petitioner. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)  
JUDGE

17.02.2020

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Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No