

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

CRM-M-36057-2021

Date of decision: 30.05.2022

Sukhbir Singh @ Sukha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tarundeep, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Tarun Sharma, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.21 dated 09.02.2020, registered at Police Station Sadar Patti, District Tarn Taran, under Sections 302, 307, 336, 323, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that neither the petitioner has been named in the FIR nor any role has been attributed to him; that the petitioner has been indicted in the present case on the basis of supplementary statement of the complainant, recorded on 24.02.2020; that though the petitioner was allegedly armed with .12 bore rifle, yet no fire-arm injury has been attributed to him and that the petitioner has been in custody since 23.03.2021.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, opposes the grant of bail to the petitioner. It is submitted that the petitioner alongwith the co-accused had actively participated in the occurrence.

I have heard the learned for the parties.

Neither the petitioner has been named in the FIR nor any role has been attributed to him. The petitioner has been named by the complainant in his supplementary statement, to the effect that the petitioner was armed with a rifle. However, no fire-arm injury has been attributed to him. There is no other case registered or pending against the petitioner.

The petitioner has been in custody since 23.03.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner 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.

30.05.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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