

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

CRM-M-220-2022

Date of decision: 04.08.2022

Jagsir Singh @ Kanta

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rishu Garg, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. J.S.Bajwa, Advocate for
Mr. G.B.S.Dhillon, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case FIR No.196 dated 28.12.2019, registered at Police Station Baghapurana, District Moga, under Sections 302, 307, 379-B, 326, 447, 506, 511, 148, 149, 120-B, 182, 195 and 201 IPC, and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR; that it was only on the supplementary statement of Jinder Kaur, recorded under Section 161 Cr.P.C. on 03.01.2020, the petitioner had been named in the present case, but no role has been attributed to him; that eye-witness, namely, Sarabjeet Kaur, wife of the complainant, while appearing before the trial Court as PW 1, has even failed to identify the petitioner, and that the petitioner has been in custody since 04.01.2020.

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submits that the petitioner being a member of the unlawful assembly, had actively participated in the offence, and that eye-witness Jinder Kaur had specifically named the petitioner in her supplementary statement.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR and rather has been indicted in the present case on the supplementary statement of Jinder Kaur, recorded on 03.01.2020. However, no specific role has been attributed to the petitioner. Even Sarabjeet Kaur wife of the complainant, while appearing before the trial Court as PW 1, has failed to identify the petitioner.

The petitioner has been in custody since 04.01.2020. 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.

04.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No