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

CRM-M-53102-2023
Date of decision : 31.10.2023

JATINDER KUMAR ALIAS PATWARI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Japjit S. Johal, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.90 dated 23.07.2017 registered for the offences punishable under Sections 307 IPC and Section 25 of Arms Act (Sections 148, 149, 120B IPC added later on), at Police Station City Hoshiarpur, District Hoshiarpur.

2. Counsel for the petitioner submits that the trial *qua* other co-accused already stands concluded vide judgment dated 21st of February 2023 and has resulted in acquittal. The petitioner was declared as Proclaimed Officer on 13th of December, 2018 and was arrested on 4th of July, 2023. Since then the petitioner is behind bars. Reliance is being placed upon judgment of acquittal and the statement made by complainant Jaspal Singh who appeared as PW-3 but did not support the prosecution and

was in fact turned hostile.

3. State Counsel does not dispute the aforesaid factual assertion made by counsel for the petitioner which based on the record of the case.
4. I have heard counsel for the parties and have gone through records of the case.
5. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the trial already stands concluded *qua* the other co-accused who have earned acquittal after the complainant himself did not support the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
6. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31, 2023
Dpr

(Pankaj Jain)
Judge

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