

Sr. No. 264
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-39810 of 2015
Date of Decision: 30.11.2015

Gurnam Singh

--Petitioner

VS

State of Punjab

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Amit Verma, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 113 dated 30.08.2015, under Sections 323, 341, 147 and 149 of the Indian Penal Code (for short 'IPC'), later on added Section 304-A, 304 IPC registered at Police Station Nangal, District Rupnagar, Punjab.

Learned counsel for the petitioner submits that the story put forth in the FIR does not appeal to reason. It is a concocted story. He further submits that the offence under Section 304-A IPC was not at all there but it seems that it has been inadvertently mentioned in the order passed by the learned Additional Sessions Judge, Rupnagar because of which it was written in the head note of the petition as well as the body of the petition. He also submits that since the prosecution evidence is yet to start, conclusion of trial will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from ASI, Kashmir Singh, Police Station Nangal, District

Rupnagar, submits that since the allegations against the petitioner were direct and serious and he is not entitled for bail pending trial at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of the facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because it will be a debatable issue before the learned trial Court as to whether the petitioner, as a matter of fact, committed the offence in question. Further since the prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting anything further on the merits of the case at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

**(RAMESHWAR SINGH MALIK)
JUDGE**

30.11.2015
vandana