

MUKESH KUMAR SALUJA
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**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-8721-2015
Date of decision:31.03.2015

Rimple @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Suveer Sheokand, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.132 dated 29.7.2014 registered under Sections 307/380/356/323/451/457/411/506 / 148/149 of the Indian Penal Code at Police Station Daba, Ludhiana.

Notice of motion.

On the asking of Court, Mr.A.P.S.Gill, AAG, Punjab, accepts notice on behalf of the respondent-State, whereas Mr.P.S.Dhanoa, Advocate, accepts notice on behalf of the complainant.

Learned counsel for the petitioner places reliance on an order dated 6.2.2015 passed by this Court in CRM-M-44159-2014 (Rajinder Singh v. State of Punjab), to contend that present one is an identical petition. He further submits that Rajinder Singh, co-accused of the petitioner, has been granted bail by this Court vide above-said order dated 6.2.2015 and the petitioner deserves similar treatment. He further submits that only challan has been presented and charge has not been framed so far, because of which trial will take long time. Petitioner is inside the jail for the last 8 months. He also submits that offence under Section 307 IPC is

not even made out against the petitioner, as no weapon has been recovered from him. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Janak Raj, Police Station Daba, Ludhiana, submits that a golden chain has been recovered from the petitioner. He was a member of the unlawful assembly. He prays for dismissal of the present petition.

Supporting the arguments raised by the learned counsel for the State, learned counsel for the complainant submits that petitioner was the main accused. His case was distinguishable from Rajinder Singh's case. He also submits that in fact petitioner was a member of the unlawful assembly and he is not entitled for bail pending trial. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the peculiar fact situation of the present case noticed hereinabove, petitioner deserves the concession of bail pending trial. It is so said, because despite their best efforts having been made, learned counsel for the State as well as learned counsel for the complainant could not distinguish the case of the petitioner from that of Rajinder Singh's case. It is a matter of record that no weapon has been recovered from the petitioner. In this view of the matter, the offence under Section 307 IPC qua the petitioner also becomes doubtful. Since the charge has not been framed so far, trial will take long time. Petitioner is already inside the jail for the last about eight months.

Keeping in view the peculiar facts and circumstances of the case, referred to hereinabove, the present petition is allowed. Consequently, petitioner is directed to be released on bail pending trial on his furnishing adequate bail/surety bonds to the satisfaction of learned Chief Judicial Magistrate, Ludhiana.

31.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE