

(2011) 04 P&H CK 0299

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M. No. 27020 of 2010 (O and M)

Jagsir Singh @ Jangira

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: April 18, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 201, 302, 34

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Alok Singh, J.

This is an application seeking regular bail in FIR No. 65 dated 30.9.2009, under Sections 302/201/34 of Indian Penal Code, registered at Police Station GRPS, Bathinda.

2. Learned Counsel for the Petitioner has submitted that Petitioner has been involved on the basis of misguided suspicion and on the basis of last seen circumstantial evidence as well as on the basis of alleged extra judicial confession. Learned Counsel has further stated that circumstantial evidence is a weak type of evidence. The Petitioner is in judicial custody since 5.10.2009 and out of 27 witnesses only two witnesses have been examined. He, while placing reliance upon the judgment of Hon"ble Apex Court in the matter of State of Kerala v. Raneef 2011(1) RCR 381 has argued that if trial is not likely to be concluded at the earliest then bail should be granted keeping in mind if bail is refused, time spent in the jail during the trial cannot be restored to the accused-Petitioner if ultimately accused-Petitioner is acquitted by the trial Court.

3. Mr. Sachdeva, Addl. Advocate General, on the instructions of ASI Gurmail Singh, has submitted that only two witnesses have been examined, however, other witnesses can be examined on the date fixed.

4. Considering totality of the facts and circumstances of the case and keeping in mind the dictum of the Hon'ble Apex Court in State of Kerala v. Raneef (supra), present petition is allowed. Let Petitioner be released on bail to the satisfaction of the Trial Court.