

(2011) 08 P&H CK 0276

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M-20414 of 2011 (O and M)

Satinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Aug. 18, 2011

Acts Referred:

- Arms Act, 1959 - Section 25, 27
- Penal Code, 1860 (IPC) - Section 120B, 302, 34

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Rakesh Kumar Jain, J.

This is a petition for bail in a pending trial case registered vide FIR No.65 dated 5.3.2009 under Sections 302, 34 & 120B of the Indian Penal Code, 1860 (for short "IPC") and Sections 25, 27 of Arms Act, 1959 (for short "the Act") at Police Station Sadar, Hoshiarpur.

2. Learned counsel for the petitioner has submitted that the allegation against the petitioner is same which was made against Iqbal Singh-accused (non-applicant). It is submitted that the prosecution has produced two eye witnesses whose statements are produced on record as Ex. P-16 and Ex. P-17 but they have resiled and the person before whom the alleged extra judicial confession was made has been given up by the prosecution. It is further submitted that the accused Iqbal Singh has been granted regular bail by this Court on 19.11.2010 primarily on the ground that PW1 (Harpreet Kaur) and PW2 (Shiv Singh) the alleged eye witnesses have failed to identify the accused (Iqbal Singh).

3. Learned counsel for the respondent has submitted that the petitioner is the hired assassin by Manjit Singh for a sum of Rs.2 lac and promise to take to Canada but after the eye-witnesses and the evidence of extra judicial confession, the

prosecution is now to examine only the official witnesses.

4. It is also submitted by learned counsel for the State, on instructions received from ASI Gurvinder Kumar, that the petitioner is neither a previous convict nor wanted in any other case.

5. Without making any observation on merits, I find that case of the petitioner is at par with the co-accused (Iqbal Singh). Hence, the present petition is allowed. The petitioner is directed to be released on bail on his furnishing bail bonds to the satisfaction of the trial Court.