

GAHC010081922024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1203/2024

GURMUKH SINGH
S/O GIAN SINGH
R/O SHERON
P.S. SARHALI
DIST. TAM TARAN, PUNJAB

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

17.05.2024

Heard Ms. F. Hussain, learned counsel for the accused and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Gurmukh Singh, who has been languishing in jail hazot since 01.04.2024, in connection with Bongaigaon P.S. Case No.116/2024, under Section 120B/153A IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by S.I. Uttam Borah, on 01.04.2024. The essence of allegation made in the aforesaid FIR is that acting on a tip off, he has visited the Khalsa Hotel of the accused Gurmukh Singh, situated at Goraimari and he found one banner, being installed there supporting Khalistan, wherein it is written in Punjabi language that "Forget about the world, talk about Sikh Community, Never forget about 84, talk about Bhindranwale tiger" and also contain some photographs of Sikh Separatist and Pro-Khalistani leaders like Jarnail Singh Bhindranwale, Deep Sidhu, etc.

4. Ms. Hussain, learned counsel for the accused, submits that the accused was arrested on 01.04.2024 and since then he has been languishing in jail hazot for last 47 days and that Section 153A IPC may not be attracted here in this case and therefore, it is contended to allow this petition.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that investigation of the case has already been completed though charge-sheet is yet to be filed.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also the progress of investigation and further, considering the length of detention of the accused in jail hazot, this Court is of the view that his further custodial detention may not be required, in the

interest of investigation and accordingly, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Bongaigaon, the accused, namely, Gurmukh Singh, be enlarged on bail.

9. In terms of above, this bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant