

**CRM-5262-2015 in/and  
CRM-M-111-2015 (O&M)**

**(1)**

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-5262-2015 in/and  
CRM-M-111-2015 (O&M)  
Date of Decision: February 20, 2015**

Gursewak Singh @ Sewak

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Tarun Sharma, and  
Mr.Balbir Kumar Saini, Advocates  
for the petitioner.

Mr.Shilesh Gupta, Addl.A.G.Punjab.

.....

**Naresh Kumar Sanghi, J.(Oral)**

**CRM-5262-2015**

Prayer in this application is for placing on record copy  
of the report filed under Section 173, Cr.P.C.

After hearing the learned counsel for the applicant and  
going through the contents of the application, copy of the report  
under Section 173, Cr.P.C., is taken on record.

CRM disposed of.

**CRM-M-111-2015**

Prayer in this petition, filed under Section 439, Cr.P.C.,

is for grant of regular bail to the petitioner, Gursewak Singh @ Sewak, who has been booked for having committed the offences punishable under Sections 399, 402 and 413, IPC, and Sections 25 and 27 of the Arms Act, in a case arising out of FIR No.146, dated 26.08.2014, registered at Police Station, Ghall Khurd, District Ferozepur.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value, then also the essential ingredients of the offences for which the petitioner has been booked are not attracted. He further contends that the petitioner is behind the bars from 26.08.2014 and after completion of the investigation, the charge-sheet has already been presented and, as such, further incarceration of the petitioner is not of worth in the present case. It has also been pointed out that in yet another case for the offences punishable under Sections 380 and 457, IPC, registered against the petitioner, he has been granted bail.

Learned counsel for the State, on instructions from HC Kulwant Singh of Police Station, Ghall Khurd, very fairly concedes that on the basis of secret information, the raid was conducted and the petitioner was apprehended along with an iron rod but the Investigating Agency had not heard anything that the

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petitioner along with the co-accused was planning to commit dacoity. Learned counsel has also fairly conceded that no fire-arm was recovered from the petitioner. It has also been conceded that except one more case, the petitioner is not involved in any other case.

After hearing the rival contentions of the learned counsel for the parties, the present petition is allowed. Petitioner-Gursewak Singh @ Sewak son of Nirmal Singh, Caste Mazbi Sikh, resident of village Kot Krore Khurd, Tehsil & District Ferzoeপুর, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bond in the sum of ₹75,000/- (Rupees Seventy-five thousand only) with two sureties in the like amount to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate, Ferozepur.

**February 20, 2015**  
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**(NARESH KUMAR SANGHI)**  
**JUDGE**