

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

**Crl. Misc. No.M-1246 of 2015**

Date of Decision: 28.01.2015

Happy

....Petitioner

Versus

State of Punjab and another

....Respondents

**BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present:- Mr. D.K. Bhatti, Advocate  
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab  
for the respondent-State.

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**DAYA CHAUDHARY, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case, FIR No.8 dated 14.01.2014 registered under Sections 324/148/149 IPC (Sections 326 and 307 IPC were added later on) at Police Station Basti Bawa Khel, Jalandhar, Punjab.

Learned counsel for the petitioner submits that the main accused is Sunny, whereas, as per allegations the petitioner is at par with accused Hunny @ Paashi and Raman, who have been granted regular bail vide Order dated 16.10.2014. Learned counsel also submits that similarly situated accused Yuvraj and Babal had also been granted bail vide Order dated 26.11.2014. He further submits that nothing is to be recovered from the petitioner. He also submits that not only, there was unexplained delay of more than 12 hours and no offence is made out under Section 307 IPC.

Learned counsel further submits that the petitioner is in custody since

07.05.2014 and all material witnesses have been examined.

Learned State counsel has filed the custody certificate of the petitioner in the Court today and the same is taken on record. Custody period of the petitioner has not been disputed but his bail has been opposed on the ground that he was a member of unlawful assembly.

Keeping in view the role of the petitioner and also the fact that co-accused of the petitioner, namely, Hunny @ Paashi, Raman, Yuvraj and Babal have already been released on regular bail; the petitioner is in custody since 07.05.2014 and all material witnesses have been examined, the present petition is allowed and the petitioner, namely, Happy is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

28.01.2015  
**gurpreet**

(DAYA CHAUDHARY)  
JUDGE