

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-3643 of 2015
Date of Decision: - 13.02.2015

Gurmeet Singh @ Kunda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Nitin Rampal, Advocate
for Mr. Vivek Goel, Advocate,
for the petitioner.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of regular bail, in a case registered against him along with his other co-accused, Resham Singh, Sardul Singh, Gurpreet Singh, Jaswant Singh and others, vide FIR No.109 dated 22.4.2013 (Annexure P-1), on accusation of having committed the offences punishable under Sections 148, 304, 307, 395, 353, 332, 186, 427, 436, 109 and 120-B read with Section 149 IPC, Sections 3 & 4 of The Prevention of Damage to Public Property Act, 1984 and Sections 42 & 45 of The Prisons Act, 1894 by the police of Police Station Kotwali, Faridkot.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter-alia*, claimed that on 19.4.2013, one under trial prisoner Harsha Singh son of Arvail Singh had fallen ill and he was being taken to hospital by the jail authorities. The petitioner and his other co-accused were stated to have blocked the movement of under trial Harsha Singh, culminating into his death. It was also alleged that the accused have also attacked the jail officials. Neither any specific role or particular part is attributed to the petitioner, except the indicated vague and general allegations. Moreover, it is not a matter of dispute that Resham Singh, similarly situated co-accused of the petitioner, was granted the benefit of regular bail, by means of order dated 11.2.2014, by a Coordinate Bench of this Court (Surinder Gupta, J.). Sequelly, Sardul Singh, Gurpreet Singh and Jaswant Singh, other co-accused, were granted the concession of regular bail as well, by virtue of orders dated 25.11.2013 in CRM-M No. 35293 of 2013, dated 07.04.2014 in CRM-M No.10803 of 2014 and CRM-M No. 10833 of 2014 (Annexure P-3) respectively. As, the similarly situated co-accused, have already been granted the benefit of regular bail by this Court, therefore, I see no reason not to grant the concession of regular bail to the present petitioner under the same set of circumstances.

5. Moreover, the petitioner was arrested on 22.04.2013. Since then, he is in judicial custody and no useful purpose would be served to

further detain him in jail. The final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts & circumstances, oozing out from the record, as discussed here-in-above, the present petitions for regular bail are hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

February 13, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE