

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.44345 of 2014

Date of Decision:13.01.2015

Gurtek Singh

.....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.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner-Gurtek Singh son of Kaka Singh has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Gurpreet Singh son of Karam Singh, Jaswant Singh son of Jasmail Singh, Resham Singh son of Wassan Singh, Sardul Singh son of Ajmer Singh and Ashwani Kumar etc., vide FIR No.109 dated 22.04.2013, on accusation of having committed the offences punishable under Sections 304, 307, 395, 353, 332, 186, 436, 427, 109, 120-B, 148, 149 IPC and 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 assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Concisely, the prosecution, *inter alia*, claimed that on 19.04.2013, 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. The accused were stated to have also attacked the jail officials. What cannot possibly be disputed here is that Gurpreet Singh, Jaswant Singh and Ashwani Kumar, similarly situated co-accused of the petitioner, were granted the concession of regular bail, by way of order dated 07.04.2014 (Annexure P-3) in CRM Nos.M-10803 & 10833 of 2014 and order dated 12.05.2014(Annexure P-2) in CRM No.M-14421 of 2014, whereas Resham Singh, other co-accused, was allowed bail by means of order dated 11.02.2014 in CRM No.M-3881 of 2014 by a Coordinate Bench (Surinder Gupta, J.) of this Court. Therefore, in that eventuality, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

5. Moreover, the petitioner was arrested in this case on 01.06.2013. 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 and taking into consideration

the totality of facts and circumstances, emanating from the record, as discussed here-in-above, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

January 13, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE