

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

**CRM No.M-4772 of 2015
Date of Decision: 19.03.2015**

Gurmail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HONBLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Rishma Verma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No.258 dated 20.11.2013 under Section 307 read with Section 34 of the Indian Penal Code ('IPC' for short) (later on Sections 115, 120-B of the IPC were added) and Section 25/54/59 of the Arms Act, 1989 registered at Police Station Division No.7, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and all other co-accused of the petitioner including the one who allegedly fired have been granted bail. She further submits that it was no injury case and since the petitioner was not named in the FIR, there was no scope of alleging any attribution against the petitioner. She prays for allowing this petition.

Notice of motion.

On asking of the Court, Mr. K.D. Sachdeva, Addl. AG, Punjab accepts notice on behalf of the State.

Learned counsel for the State on instructions from ASI Surinder Pal, Police Station Division No.7, District Jalandhar submits that petitioner was made accused on the disclosure statements made by his co-accused. He further submits that since the report under Section 173 Cr.P.C. has been presented before the Court and charge has also been framed against other co-accused of the petitioner, petitioner is not entitled for bail pending trial, at this stage.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner deserves concession of bail pending trial. It is so said because his co-accused namely Laddi @ Gurpreet Singh, Gurjant Singh, Kulwinder Singh @ Kaka, Sandeep Singh, Purshottam Kumar @ Lali, Pawan Kumar @ Pawan and Harmandeep Singh have been granted concession of bail by this Court, vide orders dated 29.01.2015 passed in ***Crl. Misc. No.M-1846 of 2015 (Laddi @ Gurpreet Singh Vs. State of Punjab)***, order dated 18.11.2014 passed in ***Crl. Misc. No.M-37294 of 2014 (Gurjant Singh Vs. State of Punjab)***, order dated 01.10.2014 passed in ***Crl. Misc. No.M-24732 of 2014 (Harmandeep Singh & Anr. Vs. State of Punjab)*** and order dated 22.05.2014 passed in ***Crl. Misc.No.8628 of 2014 (Kulwinder Singh Vs. State of Punjab)***.

It is also a matter of record that petitioner was not named in the FIR and he has been made accused only on the disclosure statements made by his co-accused. No charge has been framed against the petitioner so far and the trial will take long time. Petitioner is inside the jail since 13.06.2014.

In view of the above, present petition is allowed and the petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court.

19.03.2015

Bhumika

**(RAMESHWAR SINGH MALIK)
JUDGE**