

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

**CRM-M No.10526 of 2016 (O&M)
Date of Decision: 09.05.2016**

Harpreet Singh @ Preet and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Inderjit Sharma, Advocate for the petitioners.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Harjit Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of three petitioners/accused, namely, Harpreet Singh @ Preet, Amit @ Meet and Satbir Singh in case FIR No.144 dated 23.12.2015, under Sections 399, 402 of the Indian Penal Code, registered with Police Station Dhariwal, District Gurdaspur (**Annexure P-1**).

As per the allegations in the FIR, *inter alia*, on 21.12.2012, a secret information has been received by the police party that Sunil Kumar, Amit @ Meet (petitioner No.2), Harpreet Singh @ Preet (petitioner No.1), Rakesh @ Kalesh, Victor Masih, Sajjan and Satbir Singh (petitioner No.3), armed with deadly weapons, were planning to commit the dacoity. The accused were arrested on 26.12.2015 and made disclosure statements regarding their involvement in another FIR No.89 dated 21.12.2015, under Sections 382, 379-B, 34, IPC. Petitioner No.3-Satbir Singh got recovered an *iron rod* and mobile, snatched from a motorcyclist ; petitioner No.2-Amit @ Meet got recovered *Kirpan* and petitioner No.1-Harpreet Singh got recovered *Khokhari* and Samsung Mobile.

It is contended that the petitioners have been falsely implicated in the present case and no recovery as alleged by the prosecution has been made. It is further contended that similarly placed co-accused/non-applicants, namely, Rakesh @ Kalesh, Sajjan and Victor Masih have been granted bail by the learned Sessions Court.

The petitioners are stated to be in custody since 26.12.2015 and after completion of the investigation, challan stands presented and evidence of 08 cited prosecution witnesses is yet to commence.

Learned State Counsel, assisted by ASI Harjit Singh, does not dispute the custody period, role attributed, stage of the trial and bail granted to the co-accused.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioners, custody period, parity of treatment and the fact that trial is not likely to be concluded in near future, this Court finds that petitioners/accused deserve the concession of regular bail and as such they are ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

May 09, 2016
Gagan

(JASWANT SINGH)
JUDGE