

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

(1) CRM No.M-12098 of 2016 (O&M)

Naveen Negi

...Petitioner

VERSUS

State of Punjab

...Respondent

(2) CRM No.M-19434 of 2016 (O&M)

Sunny Jindal

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision:- July 21, 2016

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jitender Singh Dadwal, Advocate
for the petitioner (in CRM No.M-12098 of 2016).

Mr.Sumit Ahuja, Advocate
for the petitioner (in CRM No.M-19434 of 2016).

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together being
arisen from same FIR.

Petitioners have filed these petitions under Section 439 Cr.P.C.

for grant of regular bail in FIR No.118 dated 30.11.2015 under Sections 382

and 34 IPC (Section 397 IPC added later on) registered at Police Station Division No.3, Ludhiana.

Notice of motion was issued in both the petitions and learned State counsel appeared and contested the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

As per allegations in the FIR, three persons; two clean shaven and one with Turban, riding on motorcycle, stopped the complainant and others and threw red chilly powder in the eyes of Satish Kumar, brother of the complainant. Out of them, one tall man attacked with sharp edged weapon on the left arm of the complainant. It is also the allegation that the bag of the brother of the complainant was taken away by those persons.

As argued, earlier a habeas corpus petition was filed for releasing Naveen Negi and Sunny Jindal and Warrant Officer searched the premises on 10.12.2015 and they were not found. In the reply in that petition, learned State counsel has stated that they were arrested on 11.12.2015 in case FIR No.331 dated 11.12.2015.

From the record, I find that the present petitioners are not named in the FIR. As argued, no identification parade has taken place. The petitioners are not required for interrogation purposes. The co-accused of the petitioners has already been released on bail. The petitioners are in judicial custody since 18.12.2015. The trial of the case will take long time. No useful purpose will be served by keeping the petitioners in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing

any opinion on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

July 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE