

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

CRM No. M-41569 of 2016

Date of decision:- December 02, 2016

JARNAIL SINGH @ JAILY

....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Ms. Archana, Advocate for
Ms. Gurpal Kaur Dulat, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab assisted by ASI Nirmal Singh.

JASPAL SINGH, J. (Oral)

Through instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Jarnail Singh @ Jaily has sought concession of bail during pendency of trial, in case FIR No. 43, dated 05.04.2016, under Sections 307, 325, 341, 323, 148, 149, 295-A 201 IPC and Section 25 of the Arms Act, Police Station Dirba, District Sangrur.

2. Concededly, the name of the petitioner did not figure in the FIR at the initial stage but subsequently, he was nominated as one of the culprits by Simranvir Singh @ Laddi an alleged eye-witness while recording his statement under Section 161 Cr.P.C. on 10.05.2016. No specific role has also been attributed to the petitioner. It is also pertinent to mention that co-accused of the petitioner namely Lakhwinder Singh @ Lakhi, Bhupinder

Singh @ Mitha Singh, Sukhwinder Singh @ DC, Gurpreet Singh @ Timkana and Omkar Singh @ Kalu have already been granted the concession of bail vide different orders passed in CRM-M-25763, 30496, 25332, 25750 and 41409 of 2016, respectively. The case of the petitioner is on better footings than that of his above-mentioned co-accused. Moreover, the petitioner was arrested on 08.06.2016 and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further custodial investigation/interrogation. On conclusion of investigation, challan has already been presented in the Court of Id. Jurisdictional Magistrate and the trial is listed for prosecution evidence. In the given circumstances, finalization of challan is not possible in a short span of time and will take sufficient long time.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

December 02, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No