

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

***CRM No.M-9732 of 2016 (O&M)
Date of decision:30.03.2016***

Sewak

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Suram Singh Rana, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner prays for benefit of regular bail pending trial in case FIR No.209 dated 05.08.2014, under Sections 399/400/402 IPC and Section 25 of the Arms Act, registered at Police Station Dera Bassi, District SAS Nagar Mohali.

Counsel for the parties have been heard.

FIR was registered on the basis of secret information that the petitioner along with a number of other co-accused are armed with dangerous weapons and iron rods and are planning to commit robbery/dacoity. As per prosecution version based on secret information, nakabandi was done, raid was conducted and eight of the persons who were named in the secret information were apprehended on the spot.

The conceded position of fact is that the petitioner was not apprehended on the spot and was subsequently arrested on 26.06.2015. No recovery of any fire arm has been effected from the present petitioner.

Investigation in the case having been completed, challan qua

the present petitioner was presented on 21.08.2015. Charges against him are yet to be framed.

Keeping in view the facts noticed hereinabove and coupled with the length of incarceration already suffered, the petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, SAS Nagar, Mohali.

Disposed of.

30.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**