

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

CRM-M-26286-2017 (O&M)

Date of decision: - 16.8.2017

Harish Kumar @ Kaka Nepali

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. A. S. Sekhon, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 Cr. P.C. for grant of regular bail to the petitioner in case FIR No. 110 dated 8.5.2016 under Sections 302/120-B/212/216/148/149/201/34 IPC and Sections 25/27/54/59 of Arms Act registered at Police Station City/Kotwali Faridkot, District Faridkot.

Learned counsel for the petitioner submits that petitioner was not named in the FIR and has been involved on the basis of disclosure statement of one *rickshaw pullar* namely Jaswinder Singh, whose statement was recorded under Section 161 Cr. P.C. He further submits that petitioner is in judicial lock up since 15.5.2016 and is not involved in any other criminal case.

Learned counsel for the petitioner relies upon an order dated 7.7.2017 passed in CRM-M-20367-2017, Manjinder Singh @ Kala Sekhon vs. State of Punjab, vide which co-accused/Manjinder Singh @ Kala Sekhon was granted bail. It is further submitted that the allegations against the aforesaid co-accused/Manjinder Singh @ Kala Sekhon are similar to the petitioner.

On the other hand, learned State counsel, on instructions from H.C. Gurdev Singh, has not opposed the concession of bail to the petitioner. It is further submitted by learned State counsel that in the present case, charges are yet to be framed.

In view of above submissions made by learned counsel for the petitioner, in view of the fact that conclusion of the trial will take long time and further that co-accused of present petitioner i.e. Manjinder Singh @ Kala Sekhon has already been granted the concession of bail, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

16.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No