

CRM-M-30692-2017(O&amp;M)

Date of decision:03.11.2017

Harwinder Singh @ Sadak

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.J.S.Dadwal, Advocate for the petitioner.

Mr. A.S.Gill, Sr. DAG, Punjab.

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**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. 80 dated 14.05.2017, registered under Sections 392 and 34 of the IPC (later on, Section 411 of the IPC was added), at Police Station Dehlon, Ludhiana.

Learned counsel for the petitioner submits that co-accused Rinku Kumar, whose name was also disclosed by co-accused Gurvinder Singh @ Golu and Harvinder Singh @ Happy, has been granted regular bail on 10.10.2017 passed in CRM-M-31925-2017. The operative part of the order is reproduced as under:-

*“Learned counsel for the petitioner submits that petitioner was not named in the FIR and from the identification of the complainant, two persons namely Gurvinder Singh @ Golu and Harwinder Singh were arrested. He further submits that police recorded the disclosure of both these accused persons and on the statement of Gurwinder Singh @ Golu, petitioner has been involved in the present case whereas Harwinder Singh denied this fact.*

*It is further submitted that petitioner is in judicial custody since 13.6.2017. He further submits that in a short span of time three FIRs i.e. FIR No. 77 dated 12.5.2017 under Sections 392/34 IPC, registered at P.S. Dehlon; FIR No. 94 dated 23.5.2017 under Sections 399/402 IPC, registered at P.S. Jamalpur and the present FIR which was registered on 14.5.2017.*

*It is further submitted that petitioner is in fact a small shopkeeper running a mobile shop and has no previous*

*record except the above mentioned three FIRs. He further submits that in the other two FIRs petitioner has been granted the concession of regular bail by the Court of Sessions; petitioner is no more required for further investigation and trial of the case will take long time in conclusion.*

*Learned State counsel, on instructions from ASI Biranderjit Singh has not disputed the factual position and submits that challan has already been submitted.*

*Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. ”*

Learned counsel for the petitioner submits that the petitioner is also involved in the FIR on the disclosure of the aforesaid two persons and he is a young person and is not involved in any other FIR, except three FIRs which has been recorded within a short span of 10 days and the petitioner has granted concession of regular bail by the Court of Session in the other two FIRs.

Without commenting on the merits of the case, the present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

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**

**03.11.2017**  
Hemlata

Whether speaking/reasoned  
Whether reportable

Yes / No  
Yes / No