

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

208

CRM-M-39383-2017.

Date of Decision: 31.10.2017.

Nishawar Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, Assistant Advocate General,
Punjab.

Ramendra Jain, J.(Oral)

Through this petition under Section 439 of the Code of Criminal Procedure (for short, 'Cr.P.C.'), prayer has been made for grant of regular bail pending trial to the petitioner in case F.I.R. No.30 dated 08.05.2014 registered under Sections 399, 402 of the Indian Penal Code (for short, 'IPC') and Sections 25/54/59 of the Arms Act at Police Station Sadar Budhlada, District Mansa.

According to the prosecution, the petitioner alongwith his ten co-accused was hatching a conspiracy to commit some decoity. He was also discussing with his co-accused about the liquor vend which they have robbed of different amounts. On the basis of secret information, ten co-accused of the petitioner were apprehended at the spot, whereas the petitioner succeeded in fleeing away. Consequently, final report under Section 173 Cr.P.C. was filed against ten co-accused of the petitioner, who

Sessions Case No.20 of 30.07.2014. Out of them, only accused Nikka Singh was convicted for one year's rigorous imprisonment with fine of Rs.1000/- under Section 25 of the Arms Act, and his nine co-accused alongwith him were convicted only for three months' rigorous imprisonment each and to pay a fine of Rs.1000/- each under Sections 399 and 402 IPC separately. In default of payment of fine, all of them were directed to further undergo rigorous imprisonment for one month vide judgment of conviction and order of sentence both dated 06.10.2016. Since the petitioner was not arrested at the spot, therefore, he was declared as a proclaimed offender, but was granted anticipatory bail. However, while filing the supplementary challan against him in the Court, the petitioner was arrested on 14.03.2017 and since then he is in custody.

Learned counsel inter-alia contends that the petitioner is in custody since last more than seven months. Nine co-accused of the petitioner are convicted in the same F.I.R. for three months, whereas one co-accused has been convicted for the maximum sentence of one year. Keeping in view the aforesaid period of custody of the petitioner, he may kindly be enlarged on bail, during pendency of the trial, conclusion of which may take sufficient long time.

On the other hand, learned counsel for the respondent-State vehemently opposed the prayer for bail to the petitioner, submitting that seven more cases are pending against the petitioner.

Considering overall facts and circumstances, but without commenting anything on the merits of the case, the petitioner is admitted to regular bail during trial, subject to his furnishing bail bond with two heavy surety to the satisfaction of the trial Court.

Petition is disposed of accordingly.

(RAMENDRA JAIN)
JUDGE

31.10.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No