

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

**CRM-M No.10446 of 2018
Decided on: 17.05.2018**

Sapinder Singh @ Chhinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Monu Khan, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.58 dated 16.05.2017, for offence punishable under Sections 392, 394, 395, 307 of the Indian Penal Code (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Tapa, District Barnala.

Counsel for the petitioner has submitted that while granting regular bail to the co-accused of the petitioner namely Harjinder Singh, in CRM-M No.48329 of 2017, the following order has been passed by this Court on 27.04.2018:-

“Learned counsel for the petitioner submits that the petitioner is in judicial lock up since 18.05.2017 and his co-accused, namely Nisar Khan @ Saaru has been granted the concession of regular bail vide order dated 01.02.2018 passed in CRM-M-40679 of 2017 and co-accused, namely, Daljit Singh @ Jeet Singh has also been granted the concession of regular bail vide order dated 15.01.2018 passed in CRM-M-40463-2017. Learned

counsel for the petitioner further submits that the petitioner is nominated in this FIR on the basis of disclosure statement made by co-accused namely Pankaj Kumar @ Pinku. It is further submitted that the driver of the vehicle, namely, Suresh Kumar @ Kala has appeared as PW-1 and in the cross-examination, he has stated that he cannot identify the accused persons present in the Court.

Learned State counsel, on instructions from ASI Bhola Singh, has not disputed the factual position and has further submitted that the petitioner is involved in one more case i.e. FIR No.93, under Section 379.

In reply, learned counsel for the petitioner submits that the petitioner is on bail in the aforesaid FIR.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 18.05.2017; the co-accused of the petitioner have already been granted the concession of regular bail; the conclusion of the trial will take long time, the petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.”

Counsel for the petitioner has further submitted that the petitioner is in judicial lock up since 18.05.017 and the trial is moving at a very slow pace and it will take long time in conclusion of the trial.

Counsel for the State, on instructions from ASI Sarabjit Singh, has submitted that there are 02 other FIRs pending against the petitioner i.e. one under Section 320 IPC and the other under the Arms Act.

Without commenting anything on merits of the case and considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; the petitioner is in judicial lock up since 18.05.017 and it will take long time in conclusion of the trial, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No