

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 26.02.2018

1. CRM-M-153-2018

Rakesh Kumar @ Rajesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-161-2018

Rinku

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-172-2018

Rajesh Kumar @ Rakesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

4. CRM-M-425-2018

Robin Gaba

... Petitioner

Vs.

State of Punjab

... Respondent

5. CRM-M-49891-2017

Aman @ Ammu

... Petitioner

Vs.

State of Punjab

... Respondent

6. CRM-M-49904-2017

Harcharan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.B.S. Gill, Advocate
for the petitioner (in all cases).

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of above mentioned six petitions praying for regular bail, as they arise out of the same FIR No.139 dated 26.08.2017 under Sections 307, 436, 427, 506, 148, 149 IPC and Sections 3/4 of Explosive Act, 1908 (Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 120-B IPC were added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that petitioner Rakesh Kumar @ Rajesh Kumar was arrested on 18.09.2017 and two petrol bumb and 01 kg mirchi powder was recovered from him, petitioner Rinku is in custody since 21.09.2017 and a motorcycle was recovered from him along with 250 grams chilli powder, petitioner Robin Gaba was arrested on 23.09.2017 and one petrol bumb and 250 grams chilli powder was recovered from him, petitioner Aman @ Ammu is in custody since 02.10.2017 and one kirpan was recovered from him and petitioner Harcharan Singh is in custody since 26.08.2017 and five petrol bumb, 01 toka and 01 kg chilli powder was recovered from him. It is further submitted that the petitioners have been arrested in the aid of Section 120-B IPC and more than 51 persons have been nominated in the present FIR. It is also submitted that one of the co-accused namely Rohit has been granted the concession of regular bail vide order dated 21.12.2017 passed in CRM-M-47828-2017, co-accused namely Gorakh Nath has been granted the concession of regular bail by this Court vide order dated 09.01.2018 passed in CRM-M-45468-2017 and vide orders of same date i.e. 18.01.2018 passed in CRM-M-49884-2017, CRM-M-175-2018, CRM-M-210-2018, CRM-M-49890-2017,

CRM-M-49900-2017 and CRM-M-49929-2017, co-accused Jaswinder Singh @ Jassa, Anil, Satpal, Kuldeep Singh, Gurcharan Singh and Sulakhan Singh have been granted the concession of regular bail by this Court.

Learned State counsel, on instructions from ASI Balwinder Singh, has not disputed the factual position, but opposed the prayer for bail.

Without commenting on merits of the case, considering the fact that petitioners are in judicial custody for the last about five months; co-accused of the petitioners have already been granted the concession of regular bail by this Court, all these six petitions are allowed and the petitioners are directed to be released on bail subject to furnishing their bail/surety bond 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 petitioners are found misusing the concession of bail, in any manner.

All these petitions are disposed of.

A photocopy of this order be placed on the files of other connected cases.

[ARVIND SINGH SANGWAN]
JUDGE

26.02.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No