

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

**CRM-M No.16025 of 2018
Decided on: 27.04.2018**

Aman @ Bholu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.80 dated 19.08.2017, for offence punishable under Sections 365, 367, 342, 323, 120-B, 148, 149 of the Indian Penal Code (in short 'IPC') registered at Police Station Cantt. Bathinda, District Bathinda.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the complainant – Major Singh stated that his son Sandeep had gone to the house of one Vicky Singh where the petitioner along with the other co-accused came to the motorcycles and started beating Vicky Singh with their respective weapons and thereafter, took Vicky Singh to some unknown place. It is further submitted that the petitioner is in judicial lock up since 18.03.2018 and the challan has already been presented. Counsel for the petitioner has further argued that the co-accused of the petitioner namely Nasib Kaur has been

granted the concession of anticipatory bail vide order dated 09.11.2017 passed in CRM-M No.34162 of 2017 and another co-accused namely Jaswinder Singh @ Mota, who is son of Nasib Kaur, has also been granted the concession of regular bail vide order dated 08.01.2018 passed in CRM-M No.48218 of 2017. The operative part of the order dated 08.01.2018 reads as under:-

“Learned counsel for the petitioner submits that the mother of the petitioner had earlier filed CRM-M-17397 of 2017 seeking protection to her life and liberty against the other co-accused. The said petition was disposed of vide order dated 17.05.2017 with a direction to the Senior Superintendent of Police, Bathinda to look into the grievance of the petitioner i.e. mother of the present petitioner. Learned counsel for the petitioner further submits that the present FIR is in fact a counter blast to the earlier complaint filed against co-accused. He also submits that the petitioner is in judicial lock up since 07.09.2017; the investigation has already been completed and is no more required for further investigation. It is further submitted that the mother of the petitioner has filed CRM-M-34162 of 2017 and she has been granted anticipatory bail vide order dated 14.09.2017, which stands confirmed.

The learned State counsel, on instructions from HC Rajpal, has opposed the bail on the ground that there are allegations of beating one Vicky Singh.

Without commenting on the merits of the case, considering the fact that the mother of the petitioner, who is a co-accused, has been granted anticipatory bail and in view of the fact that on an earlier occasion, she has filed a petition before this Court for apprehending threat to her life and liberty at the hands of other co-accused and also

in view of the fact that the petitioner is in judicial lock up since 07.09.2017 and challan has already been presented before the trial Court, the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.”

Counsel for the State, on instructions from HC Rajpal Singh, has, however, opposed the prayer for bail on the ground that the petitioner is named in the FIR but he is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 18.03.2018; he is not involved in any other case; challan has already been presented; two of the co-accused of the petitioner have already been granted the concession of bail and conclusion of the trial is likely to take some, this petition is allowed and the petitioner is ordered be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa 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

27.04.2018
yakub

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