

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

**CRM-M No.17318 of 2018
Decided on: 02.05.2018**

Harjinder Singh @ Money Walia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Thakur, 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.173 dated 14.09.2017, for offence punishable under Sections 307, 120-B of the Indian Penal Code (in short 'IPC') and 3 of the Explosive Substances Act, registered at Police Station Division No.8, District Jalandhar Commissionerate.

Counsel for the petitioner has submitted that the challan has already been presented and conclusion of the trial is likely to take some time. It is further submitted that the co-accused of the petitioner namely Vikramjit Singh @ Vicky has been granted the concession of regular bail vide order dated 01.02.2018 passed in CRM-M No.315 of 2018 and another co-accused namely Harbir Singh @ Happy Sandhu has also been granted the concession of regular bail vide order dated 06.02.2018 passed in CRM-M No.3488 of 2018, by passing the following order:-

“Counsel for the petitioner submits that while granting

regular bail to co-accused of the petitioner, namely, Vikramjit Singh @ Vicky, in CRM-M-315-2018, the following order was passed on 01.02.2018:-

“Counsel for the petitioner has submitted that three coaccused of the petitioner namely Harpreet Singh @ Babbar, Tejinder Pal @ Sher Singh @ Babbar and Harpreet @ Rinku @ Mamma have been granted the concession of regular bail by the Additional Sessions Judge, Jalandhar. It is further submitted that it will be a debatable issue whether Section 307 IPC is made out or not and the petitioner is on bail in another FIR i.e. FIR No.204. Counsel for the petitioner has further submitted that no one was injured in the present FIR; the investigation is complete; challan has been presented and the case is now fixed for framing of charges and conclusion of the trial will take long time.

Counsel for the State, on instructions from ASI Kishore Kumar, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also filed the custody certificate in the Court which is taken on record and submits that as per the custody certificate, the petitioner is in custody since 03 months and 14 days and he is on bail in FIR No.204 dated 08.08.2017.

Without commenting anything on merits of the case and considering the fact that the investigation is complete and conclusion of the trial will take long time, the present petition is allowed and the petitioner is directed to be released on regular 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 involved misusing the concession of bail, in any manner.”

Counsel for the petitioner further submits that the case of the petitioner is at par with the other co-accused.

Learned State counsel, on instructions from ASI Kishore Kumar, has not disputed the factual position.”

Counsel for the State, on instructions from ASI Kishore Kumar has not disputed the factual position regarding submission of challan against the petitioner on 16.04.2018.

Without commenting anything on merits of the case and considering the fact that the challan has been presented against the

petitioner; two of the co-accused of the petitioner have already been granted the concession of regular bail and conclusion of the trial is likely to take some time, 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/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

02.05.2018
yakub

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