

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20917-2018

Date of decision: 27.07.2018

Baldev Singh @ Guttar @ Buttar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Tarun Sharma, Advocate for
Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.221 dated 21.03.2017 under Sections 148, 149, 307, 323, 324 IPC and Sections 25/54/59 of Arms Act, registered at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner submits that co-accused of the petitioner namely Navjot Singh has already been granted the concession of regular bail vide order dated 25.04.2018 passed in CRM-M-15344-2018, by passing the following order: -

“Learned counsel for the petitioner submits that the petitioner is a student of Law final year and has no criminal background. It is further submitted that as per allegation in the FIR, complainant-Akash Singh, aged about 19 years, had gone to the JCD College, Sirsa for taking information for admission and he had witness the incident, in which, the petitioner and the co-accused caused

injuries to two persons, namely, Sandeep and Parul with their respective weapons. Counsel for the petitioner further submits that during the investigation, nothing has come on record to show that how complainant-Akash had knowledge about the name of all the accused persons with description by their fathers' name and residential address. Counsel for the petitioner has further submitted that the petitioner is in judicial lock up since 13.12.2017 and during the investigation, no recovery was effected from the petitioner and it was alleged that the petitioner was carrying a pistol and has caused a fire armed injury.

Learned State counsel, on instructions from ASI Mahinder Singh, could not give a satisfactory reply with regard to the contention raised by the petitioner.

Without commenting on the merits of the case, considering the fact that the petitioner is a student and he is in judicial custody since 13.12.2017; the investigation is complete and 4 of the co-accused have already been granted concession of bail/anticipatory bail and the case is still at the stage of recording the prosecution evidence and the prosecution evidence is yet to start, 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/Illaq Magistrate.

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

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 17.01.2018 and nothing has been recovered from him, though there are some allegations against him in the FIR.

In reply, learned State counsel, on instructions from ASI Banwari Lal, could not dispute the factual position and submits that the main accused Dalbir Singh @ Dhira Gill is yet to be arrested. Learned State counsel has

further submitted that investigation against the petitioner is complete and challan has already been presented. It is further submitted that a supplementary challan is contemplated to be filed in the Court.

Without commenting anything on merits of the case, considering the fact that co-accused of the petitioner has already been granted the concession of regular bail; petitioner is in judicial custody since 17.01.2018; he is not involved in any other case; challan has been presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No