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CRM-1455-2018 in/&
CRM-M-245-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-1455-2018 in/&
CRM-M-245-2018

Date of Decision: 22nd January, 2018

Gaurav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.B.S. Gill, Advocate
for the applicant-petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-1455-2018

Prayer in this application is for adding Section 120-B of the Indian Penal Code in the head note and prayer clause of the petition in the light of the fact that in the challan, which has been presented in the trial Court, Section 120-B of the Indian Penal Code stands added.

For the reasons mentioned in the application, the same is allowed. Section 120-B of the Indian Penal Code is added in the head note after Section 149 and similarly, in the prayer clause of the petition at running page 6 of the same. Registry to carry out the necessary corrections.

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Petitioner has approached this Court for grant of regular bail

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by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.22 dated 25.08.2017, registered at Police Station GRP Abohar, under Sections 436, 427, 148, 149 and 120-B of the Indian Penal Code and Section 3/4/5 of the Prevention of Damage to Public Property Act, 1984 and Section 3/4 of Explosive Act.

Counsel for the petitioner contends that the petitioner has wrongly been involved in the present case, in fact, he was not present at the spot when the railway station and other public properties were destroyed/damaged. Counsel contends that the petitioner is in custody since 15.10.2017. Challan in this case has been presented before the Illaqa Magistrate. Even supplementary challan has also been presented. No recovery was effected from the petitioner. He contends that the trial is not likely to conclude soon as there are large number of accused and the prosecution agency has cited a long list of prosecution witnesses.

Counsel for the State could not controvert the fact that no specific role has been attributed to the petitioner. He, however, contends that the petitioner was part of the mob which had destroyed the public properties and badly damaged the railway station. He, therefore, prays that the concession of bail be not granted to the petitioner.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that no specific role has been attributed to the petitioner nor is there anything to indicate that he was the king pin or the leader of the gathering, no useful purpose would be served by keeping the petitioner in custody further as trial is not likely to be concluded in near

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future. Therefore, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

22nd January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No