

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

**CRM-M No.26655 of 2018
Decided on: 06.07.2018**

Jamat Ali @ Jeeti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.64 dated 27.02.2018, for offence punishable under Sections 328, 451 and 149 of the Indian Penal Code (in short 'IPC'), registered at Police Station Phillaur, District Jalandhar (Rural).

Counsel for the petitioner has submitted that the co-accused of the petitioner namely Ferozdin @ Fero has already been granted the concession of regular bail vide order dated 27.04.2018 passed in CRM-M No.15997 of 2018, by passing the following order:-

“Prayer in this petition is for grant of regular bail in FIR No.64 dated 27.02.2018 under Sections 328, 451, 149 IPC, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was one of the member, out of 11 persons, who have alleged gone to house of complainant Gokuli, where her husband Mohd.

Sharif has administered poison to her. Counsel for the petitioner further submits that the petitioner is aged about 65 years and there is no direct allegation against him. It is further submitted that the petitioner is in judicial lockup since 04.03.2018.

The aforesaid fact is not disputed by learned State counsel, on instructions from ASI Premjit Singh and assisted by learned counsel for the complainant, however, it is submitted that the investigation is still going on.

Without commenting anything on merits of the case, considering the fact that the petitioner is 65 years of age and is in judicial lockup since 04.03.2018, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the Illaqa Magistrate/Duty Magistrate.

It is made clear that in case the police requires further investigation from the petitioner, on arrest of other co-accused, the police can call him by giving a notice in writing for joining the investigation.

Petition is disposed of.”

Counsel for the petitioner has further submitted that the role attributed to the petitioner is identical to co-accused – Ferozdin @ Fero and no overt act is attributed to the petitioner except that he was also in one of the 11 persons, who had allegedly gone to the house of the complainant.

Counsel for the State has filed the Custody Certificate today in the Court and on instructions from HC Gurdish Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 04.03.2018; the co-accused of the petitioner has 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 his 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 involved misusing the concession of bail, in any manner.

06.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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