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

**CRM-M-31074-2017
Date of Decision: 17.01.2018**

Ranjit Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. J.S. Bedi, Senior Advocate with
Mr. K.S. Sidhu, Advocate,
for the complainant.

SUDIP AHLUWALIA J. (ORAL)

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioners, who were arrested on 25.05.2017 in case FIR No.55 dated 02.05.2017 under Sections 302, 307, 506, 336, 148 & 149 of the IPC and Sections 25/27 of the Arms Act registered at Police Station Kulgarhi, District Ferozepur.

[2]. The FIR was originally drawn up under Sections 302, 307, 506, 336, 148 & 149 of the IPC and Sections 25/27 of the Arms Act. After completion of investigation, however, one common challan was submitted against all the charge-sheeted accused persons, but there was a bifurcation regarding the category of offences for which various accused persons including the present petitioners were found involved.

[3]. Challan was submitted against one set of accused persons under Sections 302, 323/34 of the IPC along with the offences under the Arms Act, but in respect of the other set including the present petitioners, the culpability of their role was restricted to the commission of offences under Sections 323, 341, 342, 506, 148 and 149 of the IPC.

[4]. The present petition for bail has been resisted on behalf of the State as well as the complainant on the ground that the petitioners are also involved in the other offences which were mentioned in the original FIR notwithstanding the final report/challan submitted by the Investigating Authorities. It has also been contended that the relevant order vide which the aforesaid challan was accepted by the Ld. Court below is itself the subject matter of challenge in CRR-4406-2017, and in the circumstances, the petitioners should not be released on bail.

[5]. This Court at this stage is not convinced with such objection.

[6]. The reason is that if it were to be held, as so observed by Ld. Court of Sessions, that only one challan has been submitted against all the accused persons notwithstanding that different offences have been imputed to different persons covered therein, that in a way would amount to pre-judging the question involved in the aforesaid revisional application.

[7]. Suffice it to say at this stage, since the petitioners have been charge-sheeted in respect of relatively minor offences, considering their long detention, they are entitled to the benefit of bail subject to however the condition that the same is liable to be cancelled/modified depending upon the decision in the concerned revisional application.

[8]. As such, they may be released on bail to the satisfaction of Ld. Chief Judicial Magistrate, Ferozepur subject to imposition of appropriate

terms and conditions.

[9]. Disposed off.

17.01.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No