

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3488-2018

Date of decision: 06.02.2018.

Harbir Singh @ Happy Sandhu Petitioner.

vs.

State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S.Thakur, Advocate, for the petitioner.

Mr. Rahul Rathore, DAG, 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.173 dated 14.09.2017, for offence punishable under Sections 307 and 120-B of the Indian Penal Code, 1860 (in short 'IPC'), and Section 3 of the Explosive Substances Act 1908, registered at Police Station Division No.8, District Jalandhar.

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 co-accused 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.

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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/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.”

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.

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/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.

06.02.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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