

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 15.11.2018
CRM-M-39873-2018

Gursewak Singh @ Bagga

...Petitioner

vs.

State of Punjab

..Respondent

CRM-M-38399-2018

Ashraf Ali @ Lali

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Verma, Advocate
for the petitioner in CRM-M-39873-2018.

Mr. Ajit Singh Natt, Advocate
for the petitioner in CRM-M-38399-2018.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN,J

This order shall dispose of aforementioned both the petitions praying for grant of regular bail to the petitioners in case FIR No.09, dated 04.02.2018 under Sections 382/489/120-B IPC read with Section 34 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Nabha, District Patiala.

Counsel for the petitioner(s) submits that while granting regular bail to co-accused, namely, Ranjit Singh and Jagjit Singh @ Jaggi @ Rimpi of the petitioner(s), on 31.07.2018, the following order was passed:-

***“Learned counsel for both the petitioners submit
that the petitioners are not involved in any other case
and they are in judicial custody for the last more than***

05 months. It is further submitted that challan has already been presented and it will take long time in conclusion of the trial. Counsel for the petitioners further submit that as per allegations in the FIR, two muffled faced persons have snatched the purse, mobile phone and motorcycle of the complainant. It is also submitted that the FIR has been registered on the next day and the petitioners were arrested after 20 days of registration of the FIR and no identification parade was done.

Learned State counsel, on instructions from HC Jagtar Singh, has submitted that recovery of a country-made pistol, RC and motorcycle has been effected from the accused persons, however, as per custody certificates filed in the Court today, the petitioners are not involved in any other case.

Without commenting anything further on merits of the case, considering the fact that the investigation is complete; challan has already been presented and conclusion of the trial will take some time; no identification parade was done by the police against the accused persons, who were arrested after 20 days of registration of the FIR and also in view of the fact that the petitioners are not involved in any other case, both these petitions are allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition are disposed of”.

Counsel for the petitioner(s) further submits that the petitioners are in judicial custody for the last more than 08 months; charges have been framed and no witness has been examined so far. It is further submitted that the petitioners are not involved in any other case and conclusion of the trial

will take sometime.

Learned State counsel on instructions from H.C.Jagtar Singh,
has not disputed the aforesaid facts.

Without commenting anything on merits of the case,
considering the fact that the petitioners are in judicial custody for the last
more than 08 months; charges have been framed; no witness has been
examined so far and they are not involved in any other case, the present
petitions are allowed. The petitioners are directed to to be released on bail,
subject to their furnishing bail/surety bonds to the satisfaction of the trial
Court/Duty Magistrate concerned.

15.11.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No