

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

**CRM No.M-40679 of 2017
Decided on: 01.02.2018**

Nisar Khan @ Saaru

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Mumtaz, Advocate
for Mr. Monu Khan, 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.58 dated 16.05.2017, for offence punishable under Sections 392, 394, 395, 307 of the Indian Penal Code, 1860 (in short 'IPC') and 25/54/59 of the Arms Act, registered at Police Station Tapa, District Barnala.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 18.05.2017 and he is implicated in the FIR on the basis of the disclosure statement made by co-accused namely Pankaj Kumar @ Pinku. It is further submitted that the petitioner is not involved in any other case and another co-accused of the petitioner namely Jagjit Singh has been granted the concession of regular bail by the trial Court vide order dated 17.10.2017 and other co-accused namely Daljit Singh @ Jeet Singh has also been granted the concession of regular bail vide order dated 15.01.2018 passed by this Court in

CRM-M No.40463 of 2017. Counsel for the petitioner has further argued that as per the allegation, the co-accused – Harjinder Singh has fired a gun-shot on the injured/complainant.

Counsel for the State, on instructions from HC Gurmail Singh, has not disputed the factual position and submits that charges have been framed in this case on 30.01.2018 and the case is now fixed before the trial Court for recording statements of the prosecution witnesses.

Without commenting anything on merits of the case and considering the fact that two of the co-accused namely Jagjit Singh and Daljit Singh @ Jeet Singh have been granted the concession of regular bail; investigation is complete; the petitioner is not required for any further investigation and the petitioner is not involved in any other FIR, 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/Illaq 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.

(ARVIND SINGH SANGWAN)
JUDGE

01.02.2018
yakub

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