

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

**CRM No.M-45468 of 2017
Decided on: 09.01.2018**

Gorakh Nath

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Brar, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, 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.139 dated 26.08.2017, for offence punishable under Sections 307, 436, 506, 427, 148, 149 of the Indian Penal Code (in short 'IPC'), 3 and 4 of the Explosive Substances Act, registered at Police Station City Malout, District Shri Muktsar Sahib.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 26.08.2017 and the petitioner has already been granted the concession of regular bail in another FIR No.119 dated 25.08.2017 with similar allegations. It is further submitted that there is no direct allegations against the petitioner and no recovery is to be effected from the petitioner and more than 51 persons have been involved in the present FIR. Counsel for the petitioner has also submitted that co-accused of the petitioner namely Rohit has already been granted the concession of regular bail in CRM-M No.47828 of

2017 vide order dated 21.12.2017.

Counsel for the State, on instructions from ASI Gursewak Singh, has not disputed the factual assertions but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 26.08.2017; no recovery is to be effected from the petitioner and the co-accused of the petitioner has already been granted the concession of regular bail, the present 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. 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

09.01.2018
yakub

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