

CRM-M-47933-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47933-2017

Date of Decision: 14th February, 2018

Vishal Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail after having been taken into custody on 15.10.2017, by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.22 dated 25.08.2017, registered at Police Station GRP Abohar, under Sections 436, 427, 148 and 149 of the Indian Penal Code and Section 3/4/5 of the Prevention of Damage to Public Property Act, 1984 and Section 3/4 of Explosive Act.

Counsel for the petitioner contends that the petitioner is not named in the FIR nor has any role been attributed to him specifically by Vishal Kumar s/o Atma Ram in his statement under Section 161 of the Code of Criminal Procedure, who is the star witness of the prosecution. He contends that a *gandasi* was recovered from the petitioner but none of the persons has been injured in the present case. It is apparent that the

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petitioner has been falsely implicated in the present case. Counsel further states that the challan has been presented before the Illaqa Magistrate on 22.11.2017 but till date, charge has not been framed, therefore, the trial is not likely to conclude soon and further continuation of the petitioner in custody would not serve any useful purpose. He has also submitted that similarly placed co-accused Anil Kumar, Sukhdarshan Singh and Jagroop Singh have already been granted the benefit of regular bail in this case, who had approached this Court by filing CRM-M-182-2018, CRM-M-49822-2017 and CRM-M-208-2018 respectively.

Counsel for the State, on the other hand, contends that the petitioner along with other was involved in damaging the public property at the railway station. Recovery has also been effected from the petitioner but he could not dispute the fact that no injury has been attributed to the petitioner and none of the persons was injured in the incident. He, on instructions from H.C. Baldev Singh, Police Station GRP Abohar, states that total 15 witnesses have been nominated by the prosecution agency. He prays that the concession of bail be not granted to the petitioner.

Having considered the submissions made by the counsel for the parties and keeping in view the facts that no specific role has been attributed to the petitioner despite he having not been named in the FIR and co-accused Anil Kumar, Sukhdarshan Singh and Jagroop Singh have already been granted the benefit of regular bail by this Court, no useful purpose would be served by keeping the petitioner in custody further as the trial is not likely to conclude soon because the charge has till date not been framed.

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Therefore, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

14th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No