

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

Hemlata
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CRM-M-48329-2017(O&M)

Date of decision: 27.04.2018

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lakhwinder Singh, Advocate for
Mr. P.S.Dhaliwal, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is 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 offences under Sections 392, 394, 395 of IPC and Section 25, 54, 59 of Arms Act, 1959, registered at Police Station Tapa, District Barnala.

Learned counsel for the petitioner submits that the petitioner is in judicial lock up since 18.05.2017 and his co-accused, namely Nisar Khan @ Saaru has been granted the concession of regular bail vide order dated 01.02.2018 passed in CRM-M-40679 of 2017 and co-accused, namely, Daljit Singh @ Jeet Singh has also been granted the concession of regular bail vide order dated 15.01.2018 passed in CRM-M-40463-2017. Learned counsel for the petitioner further submits that the petitioner is nominated in this FIR on the basis of disclosure statement made by co-accused namely Pankaj Kumar @ Pinku. It is further submitted that the driver of the vehicle, namely, Suresh Kumar @ Kala has appeared as PW-1 and in the cross-examination, he has stated that he cannot identify the accused persons

present in the Court.

Learned State counsel, on instructions from ASI Bhola Singh, has not disputed the factual position and has further submitted that the petitioner is involved in one more case i.e. FIR No.93, under Section 379.

In reply, learned counsel for the petitioner submits that the petitioner is on bail in the aforesaid FIR.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 18.05.2017; the co-accused of the petitioner have already been granted the concession of regular bail; the conclusion of the trial will take long time, the petition is allowed and the petitioner is ordered to be released on regular 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

27.04.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No