

CRM-M-49652-2017

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

CRM-M-49652-2017

Date of Decision: 14th February, 2018

Satpal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.B.S. Gill, 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 14.09.2017, 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, 149 and 120-B 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 has been falsely implicated in the present case and he is not named in the FIR. In the subsequent statement made by Vishal Kumar s/o Atma Ram under Section 161 of the Code of Criminal Procedure, what is alleged against the petitioner is that he was accompanying the crowd and had been a part of the unlawful assembly. He contends that no specific role has been attributed to

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the petitioner and no recovery has been effected from him. 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 Vishal Kumar, Anil Kumar, Sukhdarshan Singh and Jagroop Singh have already been granted the benefit of regular bail , who had approached this Court by filing CRM-M-47933-2017, 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 others was involved in damaging the public property at the railway station and he has been active part in the commission of offence. He, however, on instructions from H.C. Baldev Singh, Police Station GRP Abohar, could not dispute the fact that no specific role has been attributed to him nor has any damage been attributed to him. Recovery has also not been effected from him. He, on instructions, further submits that the charge has yet not been framed after the presentation of challan on 22.11.2017 and there are total 15 witnesses 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 the petitioner is in custody since 14.09.2017, no specific role has been attributed to the petitioner despite he

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having not been named in the FIR and co-accused Vishal Kumar, 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 and there are total 15 prosecution witnesses to be examined. 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