

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

**CRM-M-53091-2018
Date of decision: 07.12.2018**

Jobanjit Singh @ Joma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Manjeet Kaur, ADvocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 29 dated 10.04.2018, registered under Sections 379-B(2), 34 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Tarsikka, District Amritsar Rural. The first bail application was dismissed as withdrawn on 17.10.2018.

Learned counsel for the petitioner submits that now the challan stands presented and charges have been framed and for the last three dates, no prosecution witness has been examined and on that account, the second application has been filed.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and was arrested in FIR No. 100 dated 14.04.2018, registered under Sections 399, 402, 379 IPC, Sections 22, 22 of the NPPS Act and Section 25 of the Arms Act at PS- City, Tarn Taran. It is

further submitted that during investigation in the aforesaid FIR, on the basis of the disclosure made by co-accused Jagroop Singh, the petitioner was nominated in the present FIR.

Learned counsel for the petitioner further submits that petitioner has already been granted concession of regular bail in aforesaid FIR No. 100, vide order dated 09.07.2018 passed by the Judge, Special Court, Tarn Taran and co-accused of the petitioner, namely Hardeep Singh @ Deepu, who was also nominated in the present FIR on the basis of the disclosure made by Jagroop Singh, has been granted concession of regular bail, vide order dated 02.07.2018 passed by this Court in CRM-M-26632-2018 (Annexure P-2).

Learned State counsel, on instructions from ASI Harbans Singh, has not disputed the factual position, however, submitted that co-accused Jagroop Singh is involved in number of cases and the petitioner was involved in the present FIR on the disclosure made by Jagroop Singh. However, learned State counsel has not disputed the fact that charges have been framed and the case is fixed for prosecution evidence and till date, no prosecution witness has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner was not named in the FIR and was involved on the disclosure made by co-accused Jagroop Singh; petitioner is not attributed any overt act; he has already been granted regular bail in FIR No. 100 as noticed above and also in view of the fact that no recovery was effected from the petitioner in the present FIR and investigation is complete,

the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 07, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No