

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

CRM-M-3102-2019
Date of decision: 30.01.2019

Navdeep Singh

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. Gautam Dutt, Addl. P. P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 301 dated 10.10.2018, under Sections 147, 148, 149, 323, 307, 506 of the IPC and Section 25 of the Arms Act, 1959 (Sections 325, 326 IPC added later on in challan and Section 25/54/59 of the Arms Act stands deleted), registered at Police Station Mauli Jagran, Chandigarh.

Learned counsel for the petitioner relies upon order dated 18.01.2019 passed in CRM-M-1434-2019, wherein co-accused Hardeep Singh @ Honey has been granted concession of regular bail by this Court.

The operative part of the order reads as under:

“Counsel for the petitioner has submitted that no specific role is attributed to the petitioner and as per the allegations in the FIR, the accused persons gave beatings to the complainant – Jaspal Singh and one of

the assailant i.e. Sunny, who was having a country-made pistol, had extended threat to him with dire consequences. It is further stated that though, the FIR is registered under Section 307 IPC, however, as per the opinion of the doctor given in the MLR, injury No.3 is stated to be grievous and the other injuries are stated to be simple in nature. Counsel for the petitioner has further argued that the investigation is complete, the petitioner is in custody since 10.10.2018, he is not required for further investigation and conclusion of the trial will take some time. It is also submitted that the petitioner is a student and his academic career is at stake. Counsel for the U.T., Chandigarh, on instructions from Constable Jagbir Singh, has not disputed the factual position but opposed the prayer for bail. Without commenting anything on merits of the case, considering the fact that the petitioner is a student; he is not required for further investigation; he is in custody since 10.10.2018; the investigation is complete and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate.”

Learned counsel for the U.T., Chandigarh has filed custody certificate, as per which, the petitioner is in judicial custody for the last 03 months and 19 days. He submits that only two accused persons have been arrested out of total five accused and challan qua these two accused have already been presented.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the petitioner and also keeping in view the custody period of the petitioner, 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.

However, this will be subject to deposit of Rs. 15,000/- with the trial Court while furnishing bail/surety bonds, which will be payable to the complainant.

January 30, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No