

CRM-M-5161-2019 (O & M)
CRM-M-8345-2019 (O & M)
CRM-M-10625-2019 (O & M)

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

218-3 cases

CRM-M-5161-2019 (O & M)
Date of Decision:30.04.2019

TAJINDER SINGH @ JATINDER SINGH @ RAJU ...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CRM-M-8345-2019 (O & M)
Date of Decision:30.04.2019

JAGDEV SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CRM-M-10625-2019 (O & M)
Date of Decision:30.04.2019

AVTAR SINGH VIRK

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S. Virk, Advocate
for the petitioner in CRM-M-5161-2019.

Mr. Rajesh Bhatheja, Advocate
for the petitioners in CRM-M-8345-2019.

Mr. A.S. Brar, Advocate
for the petitioner in CRM-M-10625-2019.

Mr. Harsimar Singh Sitta, AAG, Punjab.

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MANOJ BAJAJ, J.(ORAL)

All these three petitions have been filed by five accused under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.226 dated 28.12.2018, under Sections 399 and 402 of IPC and under Section 25 and 54 of the Arms Act, registered at Police Station Baghapurana, District Moga. Petitioners are in custody since their arrest on 28.12.2018.

The FIR was registered on the secret information, wherein it was alleged that the accused (petitioners) are planning to commit dacoity at Post Office, Baghapurana. Believing the information, the raid was conducted and all the five persons (petitioners) were apprehended from the spot i.e. near a bridge in an abandoned room.

Learned counsels for the petitioners have contended that the investigation of the case is complete and the challan stands filed and the trial Court has also framed the charges on 19.03.2019. According to them, the bail is declined on the ground that in case they are released on bail, the possibility of the winning over the prosecution witness cannot be ruled out.

On the other hand, learned State counsel on instructions from ASI Darshan opposed the bail application and has contended that the fire arm recovered from four of the accused except Harmeet Singh, who was carrying a 'datar'. However, it is not disputed that all the witnesses are the police officials and the charges have been framed.

Considering the above background and the stage of the trial,

which is likely to consume some time, further custody of the petitioners may

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not be justifiable. Therefore, without meaning any expression on the merits of the case, the petitions are allowed and the petitioners are ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

All the three petitions are allowed.

30.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No