

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6382-2019

Date of decision: 15.02.2019

Shubham Garg

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jagmohan Bansal, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner-Shubham Garg, who was summoned by learned Additional Sessions Judge, Ludhiana to face trial vide order dated 05.08.2017 (Annexure P-4)) under Sections 302, 307, 447, 506, 511, 120-B, 148, 149 and Sections 25/27 of the Arms Act at Police Station Dehlon, District Ludhiana.

In nutshell, petitioner along with other accused was booked in the aforesaid FIR for committing murder of one Dharampal and causing injury to Sanjay. During Investigation, the petitioner and few others named in the FIR were found innocent. Therefore, they were placed in column No.2 of the final report under Section 173 (2) Cr.P.C.

Complainant moved an application under Section 190

Cr.P.C. for summoning of the petitioner as additional accused, which was allowed by the trial court. Consequently, the petitioner was ordered to be summoned to face trial.

The petitioner along with his co-accused approached this Court by way of CRM-M-35175-2017 (O&M), seeking anticipatory bail, which was dismissed vide order dated 01.11.2017 (Annexure P-6). Thereafter, they filed another petition bearing CRM-M-36285-2017 (O&M), praying for quashing order dated 22.09.2017 of the trial court, whereby presence of petitioners No. 1 and 3 to 5 therein (including the petitioner herein), was ordered to be secured through non-bailable warrants. The said petition was dismissed vide order dated 30.08.2018 (Annexure P-7), directing the petitioners to appear before the trial court within a week and to the trial court to decide their bail application within next two days. Consequently, the trial court vide order dated 01.02.2019 (Anexure P-8) on surrender of the petitioner, heard his bail application and dismissed the same.

Learned counsel for the petitioner *inter alia* contends that the police has already filed final report under Section 173(2) Cr.P.C. after concluding the investigation. Therefore, the petitioner is not required for any custodial interrogation. Petitioner is in custody since 28.01.2019. Framing of charge and conclusion of trial may take sufficient long time. Therefore, no useful purpose would be served by detaining the petitioner in jail any more during trial. Co-accused of the petitioner namely Usha Rani and Anita, have already been been granted regular bail by this Court vide orders dated 21.12.2018 and 22.01.2019 passed in CRM-M-57235-

2018 and CRM-M-904-2019, respectively. Thus, treating the case of the petitioner on the same parity, he may also be granted the concession of regular bail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Having given thoughtful consideration to the rival submissions, this Court finds merit acceptance of this petition for the reasons that co-accused of the petitioner namely; Usha Rani and Anita, have already been enlarged on regular bail. Therefore, case of the petitioner has to be treated on same parity.

Considering the above factors, but without commenting on the merits of the case, the petition is allowed. Petitioner-Shubham Garg, is ordered to be released on interim bail till conclusion of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned

February 15, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No