

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 12091 of 2019
Date of Decision:.10.04.2019

Gurvinder Singh @ Baba Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navkiran Singh, Advocate for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.185 dated 27.07.2018, under Sections 307,302,120-B, 201, 212 and 216 of the Indian Penal Code, 1860 (for short 'IPC'), Section 25 of Arms Act, 1959 and Section 3(2) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short 'the Act'), registered at Police Station Rama Mandi, District Jalandhar.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 10.12.2018 and there is no material available on record to substantiate the complicity of the petitioner with the commission of offence in the present case. Also contends that as a matter of fact after 5 days of the occurrence, one Kuldeep @ Manak son of Joginder

Ram made a statement under Section 161 Cr.P.C before the police and he

has been nominated as an accused in this case. Also contends that after investigation, report under Section 173 Cr.P.C has already been submitted and charges are yet to be framed and as such the trial will take long time to conclude.

Learned State Counsel, on instructions from SI Sewa Singh, has opposed the bail application and submitted that petitioner is already an accused in FIR No.147 dated 16.03.2003, under Sections 397/395 and 411 IPC, registered at Police Station Hoshiarpur.

Heard both sides and perused the paper book.

There is no dispute that the petitioner is in custody since 10.12.2018 and he was not named in the FIR rather surfaced during investigation on the basis of confessional statement of one Kuldeep @ Manak. In response to a specific query, learned State counsel has stated that no recovery has been effected from the petitioner during investigation. No doubt, he is already facing trial in a case under Sections 397/395 and 411 IPC, but it is note worthy that co-accused of the petitioner in that case already stand acquitted and trial against him is pending.

Since, the investigation is over, charges are yet to be framed and thus, trial will take a long time, therefore, no useful purpose would be served by keeping the petitioner behind the bars. In view of the above, it would be just and appropriate if the concession of bail is granted to the petitioner. Consequently, this petition is allowed and petitioner- Gurvinder Singh @ Baba is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The above observations may not be construed as an expression of opinion on merits of case.

10.04.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No