

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

CRM-M No. 33242 of 2018

Date of decision : 10.01.2019

Gurwinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. B. S. Loomba, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.92 dated 26.07.2016 under Sections 302/304/120-B of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959 and Sections 10/11/13/17/20 of the Unlawful Activities (Prevention) Act, registered at Police Station – Dehlon, Ludhiana, during pendency of the trial.

Learned counsel for the petitioner submits that earlier the petitioner was released on regular bail vide order dated 03.01.2017 by the trial Court. He was appearing regularly but subsequently because of noting down wrong date of hearing and having serious health issues, he could not appear before the trial Court. His bail bonds were cancelled. Thereafter, he himself surrendered before the trial Court. Now he is in custody since

19.04.2018. Learned counsel also submits that seven co-accused of the petitioner have already been released on regular bail and the petitioner is also entitled for bail as he was earlier on bail.

Learned State counsel has not disputed the period of custody undergone by the petitioner and the factum regarding release of seven co-accused on bail and also that the petitioner was earlier released on regular bail by the trial Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other documents on the file.

By considering the submissions made by learned counsel for the petitioner that earlier the petitioner was released on regular bail by the trial Court but subsequently he could not appear and thereafter, he himself surrendered before the trial Court on 19.04.2018 and since then he is in custody; seven co-accused of the petitioner are also on regular bail, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

10.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No