

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

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CRM-M-18135-2019.

Date of Decision: 21.05.2019.

Gursewak Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner Gursewak Singh son of Nirmal Singh, who is facing trial in case F.I.R. No.114 dated 02.09.2017 under Sections 307, 353, 186, 224, 332, 148, 149 of the Indian Penal Code and Section 25 & 27 of the Arms Act, registered at Police Station Kot Ise Khan, District Moga.

Learned counsel representing petitioner contended that the petitioner is in custody since 02.02.2019 and has been falsely implicated in this case. Learned counsel further contended that the petitioner was just passing through the area and had sustained gun shot injuries which were through and through and police has not registered any case against anybody, rather falsely implicated him in this case. Co-accused Gurpreet Singh, who is also facing similar allegations, has already been admitted to bail as per order of learned Additional Sessions Judge, Moga, passed on 12.10.2018.

The trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel opposed the prayer for bail on the ground that the petitioner was one of the person who formed a mob and attacked the police party and fired towards the police party and at that time Dogar Singh was armed with pistol and he is already in custody. However, learned State counsel fairly conceded that Dogar Singh is the main accused in this case. As per allegations, recovery of iron rod was effected from the present petitioner, so he also does not deserve the concession of bail.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to any of the party at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 02.02.2019, co-accused Gurpreet Singh has already been released on bail in this case as per order dated 12.10.2018 passed by learned Additional Sessions Judge, Moga, the main accused Dogar Singh is already in custody; trial of the case still to some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Gursewak Singh, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

21.05.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No