

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 49820 of 2018

Date of Decision: 28.02.2019

Mandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prashant Vashisth, 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.53 dated 05.05.2018, under Sections 399,402,201 and 482 of the Indian Penal Code read with Section 25 of the Arms Act, 1959, registered at Police Station Lambra, Jalandhar.

Brief facts of the case are that on 05.05.2018, above FIR was registered on the basis of a secret information to the effect that Pargat son of Daatar, Buta Ram, Paramjit @ Monu, Veeru, Mandeep Singh and Nizzar who are famous in the name of "Datar Gang" headed by Pargat Singh have gathered at canal which goes from Chogawan Dahliwal to Qadian with deadly weapons and planning for some big incident and in case a raid is conducted, they can be apprehended. Consequently, raid was conducted and

above accused namely Pargat Singh, Mandeep, Buta Ram and Jaspreet Singh were arrested at the spot.

It is contended by learned Counsel for the petitioner that the petitioner was born on 15.07.2000 and he was declared a juvenile by the Principal Magistrate, Juvenile Justice Board, Jalandhar on 04.08.2018 but his bail application was rejected on 29.08.2018 by the said Court. Also contends that investigation is already complete; challan was presented on 03.07.2018 and nothing is to be recovered from the petitioner and there is no other criminal case pending against him and he is in custody since 05.05.2018; co-accused namely Jaskirat Singh @ Jassi has already been granted concession of bail by this Court on 02.11.2018 vide CRM-M-48054-2018. Also contends that allegations against the petitioner is also similar to said Jaskirat Singh @ Jassi.

Learned State counsel has acknowledged the above factual position on instructions from Inspector Devinder Singh, but opposed the bail application.

Heard both sides and perused the paper book.

On 21.01.2019, an affidavit of Balkar Singh, PPS, Superintendent of Police (Investigation) Jalandhar was filed and it was submitted that petitioner is facing trial in three more criminal cases, however, same was disputed by learned counsel for the petitioner. As a result, thereof, fresh affidavit dated 21.02.2019 has been filed by the same very officer to the effect that no other criminal case is pending against the petitioner and it was only on account of the negligence of ASI Nirranjan Singh that this Court was constrained to pass the order dated 21.01.2019.

Affidavit further reveals that necessary disciplinary action is being taken

against erring official. A report from District & Sessions Judge has also been received which *inter alia* states that petitioner is not an accused in three FIRs mentioned in order dated 13.02.2019.

Since the challan has already been presented and petitioner was declared as Juvenile on the date of occurrence. Moreover, co-accused namely Jaskirat @ Jassi has already been granted the concession of bail by this Court against whom the allegations were identical,therefore, further incarceration of the petitioner would not serve any purpose and thus, it would be just and appropriate if the concession of bail is granted to him. In view of the above, this petition is allowed and petitioner-Mandeep Singh 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 explanation submitted by the Superintendent of Police in his affidavit seems to be justified and the same is accepted.

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

28.02.2019

mamta

(MAHABIR SINGH SINDHU)
JUDGE

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