

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

**CRM-M No.24638 of 2019
Decided on: 31.05.2019**

Harjinder Singh @ Pappy

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.56 dated 10.08.2017, for offence punishable under Sections 394 of the Indian Penal Code, 1860 (in short 'IPC') and 25/27/54/59 of the Arms Act, registered at Police Station Sarai Amanat Khan Tarn Taran, District Tarn Taran.

The first petition i.e. CRM-M No.955 of 2019 seeking regular bail to the petitioner was dismissed as withdrawn on 10.05.2019.

Counsel for the petitioner has submitted that the statement of PW1 – Gurdeep Singh and PW2 – Amarjeet Singh has been recorded and both of them have not identified the petitioner as an accused, who has committed the crime and they have specifically identified only 01 person namely Kulwinder Singh as an accused. It is further argued that

the aforesaid witnesses have been declared hostile qua the identification of the petitioner but nothing substantive has come on record. It is also submitted that the petitioner is in custody for the last 01 year, 06 months and 14 days and he is on bail in some other FIRs as mentioned in the Custody Certificate. Lastly, it is argued that one of the co-accused of the petitioner namely Harpreet Singh @ Billa has already been granted the concession of regular bail vide order dated 02.05.2019 passed in CRM-M No.18763 of 2019 on similar grounds.

Counsel for the State, on instructions from ASI Dilbag Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that PW1 and PW2 have failed to identify the present petitioner; he is in custody for the last 01 year, 06 months and 14 days and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

31.05.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No