

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

1. CRM-M-29942-2019 (O&M)

Gurlal Singh @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-30951-2019

Sukhmander Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 01.10.2019

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Brar, Advocate
for the petitioner in CRM-M-29942-2019.

Mr. Naveen Sharma, Advocate
for the petitioner in CRM-M-30951-2019.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code
of Criminal Procedure for grant of regular bail to petitioners Gurlal Singh @
Kalu and Sukhmander Singh in case FIR No. 46 dated 03.05.2017,
registered under Sections 392, 506 of the IPC and Sections 25, 27 of the
Arms Act, 1959 (Challan submitted under Sections 392, 395, 506, 201 of

the IPC and Sections 25, 27 of the Arms Act, 1959) at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsels for the petitioners have relied upon order dated 05.07.2019 passed by this Court in CRM-M Nos. 26768 and 4293 of 2019, whereby co-accused Krishan Singh and Kuldeep Singh @ Peelu have been granted concession of regular bail on the ground that none of the prosecution witnesses has identified the accused persons present in the Court as it is stated that the accused persons, at the time of occurrence, were having muffled faces.

Learned counsels for the petitioners have further submitted that as per the allegations in the FIR, it is nowhere stated that the persons, who committed the offence, were having muffled faces and rather, their description is given by their age, clothes etc.

It is further submitted that both the petitioners are in judicial custody since 17.09.2018 and all the material witnesses have been examined and they have not supported the prosecution version, therefore, chances of conviction of the petitioners are remote.

Learned State counsel, on instructions from ASI Gursewak Singh, has not disputed the factual position and submitted that out of total 21 prosecution witnesses, 07 witnesses have been examined for far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody since 17.09.2018; all the material witnesses have been examined and they have not supported the prosecution version; co-accused of the petitioners have already been granted concession of regular bail as notice above and also in view of the fact that

conclusion of the trial is likely to take some time, the instant petitions are allowed. Petitioners Gurlal Singh @ Kalu and Sukhmander Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

01.10.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No