

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

CRM-M-46288-2019

Date of Decision : November 05, 2019

Gurjinder Singh @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.175 dated 28.10.2018 under Sections 399/402 IPC and Section 25 of the Arms Act, registered at Police Station Pasyana, District Patiala.

Counsel for the petitioner relies upon the order dated 10.5.2019 passed in CRM-M-2212-2019 granting bail to co-accused, namely, Karamjit Singh @ Karma. The operative part of the order reads as under :-

“Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving a secret information that some persons are present near village Shermajra and are planning for dacoity. The police party conducted a raid and arrested four persons including the petitioner. It is stated that the

petitioner was armed with iron rod and two other persons namely Gurjinder Singh and Gurbhej Singh were armed with .315 bore pistols and one Varinder Singh was armed with spring actuated knife. It is further submitted that the petitioner is first offender and is not involved in any other case.

Learned State counsel, on instructions from HC Balbir Singh submits that the investigation is complete, challan stands presented and the same is yet to be committed to the Court of Sessions.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 28.10.2018; he is not involved in any other case and also the nature of recovery effected from him, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqua Magistrate/Duty Magistrate.”

Counsel for the petitioner submits that the case of the petitioner is on the identical footing and the petitioner is in custody for the last more than one year.

Learned State counsel has not disputed the abovesaid factual position, however, submits that the petitioner is involved in some other cases, though he is on bail.

Without commenting anything on the merits of the

case, considering the aforesaid submission made by counsel for the petitioner; co-accused of the petitioner has been granted the concession of regular bail and that the petitioner is in custody for the last more than one year, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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

November 05, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO