

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

**CRM-M-51124-2019
Date of decision: 10.12.2019**

Sajan @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 173 dated 14.09.2017, registered under Sections 307, 120-B of the IPC and Section 3 of the Explosive Substances Act, 1908 at Police Station Division No. 8, Jalandhar.

Learned counsel for the petitioner submits that the petitioner was initially granted the concession of anticipatory bail and he had joined the investigation, however, when the challan was presented, the petitioner could not appear before the trial Court and later on, he was declared a proclaimed offender on 08.01.2019.

Learned counsel for the petitioner further submits that the petitioner, thereafter, surrendered before the trial Court on 16.03.2019 and since then, he is in judicial custody.

Learned counsel for the petitioner argues that while granting regular bail to co-accused Vikramjit Singh @ Vicky on 01.02.2018, the

following order was passed in CRM-M-315-2018:

“Counsel for the petitioner has submitted that three coaccused of the petitioner namely Harpreet Singh @ Babbar, Tejinder Pal @ Sher Singh @ Babbar and Harpreet @ Rinku @ Mamma have been granted the concession of regular bail by the Additional Sessions Judge, Jalandhar. It is further submitted that it will be a debatable issue whether Section 307 IPC is made out or not and the petitioner is on bail in another FIR i.e. FIR No.204. Counsel for the petitioner has further submitted that no one was injured in the present FIR; the investigation is complete; challan has been presented and the case is now fixed for framing of charges and conclusion of the trial will take long time.

Counsel for the State, on instructions from ASI Kishore Kumar, has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also filed the custody certificate in the Court which is taken on record and submits that as per the custody certificate, the petitioner is in custody since 03 months and 14 days and he is on bail in FIR No.204 dated 08.08.2017.

Without commenting anything on merits of the case and considering the fact that the investigation is complete and conclusion of the trial will take long time, the present petition is allowed and the petitioner is directed to be released on regular bail subject to 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, if the petitioner is found involved misusing the concession of bail, in any manner.”

Learned counsel for the petitioner further argues that the case

of the petitioner is at par with the aforesaid co-accused and all the co-accused of the petitioner are already on regular bail, granted either by this Court or the trial Court.

Learned State counsel, on the basis of the custody certificate filed today in Court, has not disputed the fact that petitioner is in judicial custody since 16.03.2019, however, submitted that petitioner is involved in three other FIRs. He further submitted that challan stands presented; charges have been framed, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is in judicial custody since 16.03.2019; he was earlier granted concession anticipatory bail; all the co-accused have already been granted regular bail and also in view of the order dated 01.02.2018 passed in CRM-M-315-2018; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

10.12.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No