

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

CRM-M-12442 of 2020
Date of Decision: 29.05.2020

Ghanaiya

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE S.N. SATYANARAYANA

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. H.S. Grewal, DAG, Punjab.
*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court)*

S.N. SATYANARAYANA, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C.
seeking bail pending trial in case FIR No. 127 dated 27.06.2019,
under Sections 307, 353, 332, 186, 436, 427, 148, 149 and 120 IPC
read with Section 52 of The Prisons Act, 1894 registered at Police
Station Division No. 7, District Ludhiana.

Admittedly, the aforesaid offences alleged to have
committed by group of 23 persons, who were all inmates of jail at the
relevant point of time. The material on record would indicate that the
petitioner herein was under trial in jail at that time with reference to
the accusations alleged against him in FIR No. 120 of 2017 for the
offences punishable under Section 302, 148, 149, 120-B of the Indian
Penal Code and Sections 25 and 27 of the Arms Act, in FIR No. 94 of

2018 for offences punishable under Section 323, 307, 324, 148, 149, 120-B IPC & Section 25 of the Arms Act and in FIR No. 115 of 2018 for the offences punishable under Section 323, 148, 149 IPC and while he was in the jail it is stated that one of the inmates died due to negligence on the part of the jail authorities in that background an apprising was there in the jail which has resulted in crime for which FIR is filed against 23 inmates and the petitioner is one of them.

Heard learned counsel for the parties and perused the paper book.

The grievance of the petitioner is that in the present FIR no accusation is made out against him except stating that he was also present when the crime had taken place within the premises of the jail and he would further bring to the notice of this Court with reference to the offence alleged against him in earlier FIR's that he has secured bail from this Court and other Courts and the same could not be given effect to in the light of the present FIR which is pending investigation by the authorities. In view of the aforesaid he came up through this petition for grant of regular bail.

Learned State counsel bring to the notice of this Court that there is no specific allegations against the petitioner other than the allegation of instigating others. By taking note of the same, coordinate bench of this Court has already granted bail to the co-accused namely, Karamjit Singh @ Kalu dated 08.01.2020. In that view of the matter, considering the parity of the situation and also the circumstance, this Court without expressing any opinion on the merits

of the case, allow the present petition. Petitioner, namely, Ghanaiya be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[S.N. SATYANARAYANA]
JUDGE

May 29, 2020
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no