

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

CRM-M-15978-2020 (O&M)

Date of decision: 09.07.2020

Jagroop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Jagroop Singh, accused in FIR No.28 dated 03.06.2017, for offences under Sections 121, 121A, 120-B of IPC, Section 25 of Arms Act and Sections 15, 16, 17, 18 of Unlawful Activities (Prevention) Act, 1967 (for short 'the Act'), registered with Police Station Pojewal, District SBS Nagar, Punjab facing trial, had earlier approached this Court for grant of regular bail. However, since State counsel, on instructions from Inspector Raghbir Singh had made a statement before this Court on 27.02.2020 that the prosecution had concluded its evidence and the trial was likely to be concluded soon, the petition for regular bail so moved by the petitioner was dismissed, vide order of even date.

Now, he has approached this Court again craving for grant of

regular bail, contending that the police officer had wrongly instructed the State counsel and as a matter of fact, the prosecution has not closed its evidence and the matter is still pending for examination of remaining PWs. The proceedings have been held up on account of lockdown due to Covid-19 pandemic. Copies of interim orders passed by Addl. Sessions Judge, SBS Nagar have been attached in that regard. Copy of order passed by a Co-ordinate Bench (Hon'ble Ms. Justice Jaishree Thakur) dated 15.06.2020 has been attached bearing CRM-M-13661-2020, vide which Gurdial Singh, co-accused of the present petitioner has been granted regular bail with following observations:-

“Since, the trial is likely to take sufficient time to conclude and in view of the facts that the petitioner herein has been in custody since 30.06.2017, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond in the sum of ₹ 2 lacs with two local sureties in the like amount (one surety having the immovable property) to the satisfaction of concerned trial Court/Duty Magistrate.”

Though, learned State counsel has contended that since the supplementary challan had been filed and sanction for prosecution of the accused had been applied by the investigating agency under the Act, therefore, the case is still at the stage of prosecution evidence and inadvertently, the statement was made by the State counsel that the prosecution has closed its evidence.

After hearing the rival contentions of learned counsel for the parties, I find that the case of the petitioner is at par with his co-accused Gurdial Singh, who has since been granted regular bail by a Co-ordinate Bench and for such like reason, the present petition also deserves to be accepted. Therefore, the same is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/CJM/Duty Magistrate, SBS Nagar, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

09.07.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No