

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

CRM-M-8333-2021 (O&M)

Date of decision : 10.11.2021

Samma and another

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.S. Sekhon, Advocate for petitioner No.1.

Mr. Kamal Narula, Advocate for petitioner No.2.

Mr. Tarun Vir Singh Lehal, Addl. AG Punjab.

ALKA SARIN, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in FIR No.183 dated 15.09.2020 under Sections 379-B/336 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 registered at Police Station Sadar Ferozepur, District Ferozepur. The first petition of the petitioners being CRM-M-42130-2020 was dismissed as withdrawn on 12.01.2021.

Learned counsel for the petitioners would contend that the petitioners have been in custody since 12.10.2020. They would further contend that the present FIR was registered against the unknown persons. Learned counsel for the petitioners would further contend that on the basis of some other FIR i.e. FIR No.262 dated 24.09.2020 under Sections 399 and 402 IPC and Section 25 of Arms Act, 1959 registered at Police Station City

Ferozepur, District Ferozepur, in which the petitioners were also nominated, they have now been implicated in the present case. However, in the said FIR No.262 the petitioners have already been granted bail by this Court vide order dated 17.08.2021 in CRM-M-40837-2020. Learned counsel for the petitioners would further contend that investigation is complete and the challan stands presented.

Learned counsel for the State on instructions from ASI Tarsem Singh has pointed out that a number of cases are pending against the petitioners and they do not deserve the concession of regular bail.

I have heard learned counsel for the parties.

In the present case, the FIR was registered against unknown persons and the petitioners were nominated only on the basis of their being nominated in another FIR i.e. FIR No.262 dated 24.09.2020 under Sections 399 and 402 IPC and Section 25 of Arms Act, 1959 registered at Police Station City Ferozepur, District Ferozepur, which is also against unknown persons. However, in the said FIR No.262 the petitioners have already been granted bail by this Court vide order dated 17.08.2021 passed in CRM-M-40837-2020. The allegation in the present case is only to the effect that unknown persons had snatched a .12 bore rifle of the complainant and had run away and had fired in the air.

In view of the above and considering the facts that the petitioners have been in custody since 12.10.2020 and the trial is likely to take some time to conclude, no useful purpose would be served by keeping the petitioners behind the bars any further. Without commenting upon the

merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioners. The petitioners are directed to be released on bail subject to their furnishing bail bonds and heavy surety to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, it is made clear that in case the petitioners are found indulging in any such criminal activity or misusing the concession of bail, the prosecution would always be at liberty to apply for cancellation of bail.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

10.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO