

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

111

**CRM-M-40837-2020.**

**Date of Decision: 17.08.2021.**

Samma and another

....Petitioners.

Versus

State of Punjab

....Respondent.

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**CORAM: HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Mr. Ranbir Singh Sekhon, Advocate for petitioner No.1-Samma.

Mr. Kamal Narula, Advocate  
for petitioner No.2-Jogi @ Bhajan Lal.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

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**Lalit Batra, J.(Oral)**

Present petition under Section 439 Cr.P.C has been moved by petitioners-**Samma and Jogi @ Bhajan Lal** for grant of regular bail in case FIR No.262 dated 24.09.2020 under Sections 399 and 402 IPC and Section 25 of Arms Act, registered at Police Station City, Ferozepur, District Ferozepur.

Learned counsel for the petitioners *inter alia* contend that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. They further submit that once police party was having specific secret information regarding assemblage of six persons and that too heavily armed and further the fact that raiding party was heavily armed, the fact that three persons out of accused party had been able to flee from the spot, this circumstance does not appear to be plausible. They further urge that petitioners are in custody since 24.09.2020 and they are no more required by the Investigating Agency for any investigation purpose.

They further submit that after completion of investigation, final report under

Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. They further submit that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioners in custody further and they may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioners do not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the record of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioners are in custody since 24.09.2020; that petitioners are no more required by the Investigating Agency for investigation purpose; that final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court; and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioners in custody further, thus, they deserve the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioners-**Samma and Jogi @ Bhajan Lal** is allowed and they are ordered to be released on bail on their furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Ferozepur, as the case may be.

(LALIT BATRA)  
JUDGE

17.08.2021

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