

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

**CRM-M-41727-2020
Date of Decision : 24.02.2021**

Baljinder Singh @ Gandhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A. S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.50 dated 25.03.2017 under Sections 307, 224, 332, 353, 436, 148, 149 and 120-B of the IPC and Section 52-A of Prison Act, 1894 registered at Police Station City Gurdaspur, Punjab.

Learned counsel for the petitioner relies upon order dated 17.09.2020 passed in **CRM-M-27130-2020** vide which, co-accused has been granted consession of regular bail. Operative part of order dated 17.09.2020 reads as under:-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on a complaint of Superintendent, Central Jail, Gurdaspur, there was a fight between the inmates of the jail, in which several persons were injured.

Learned counsel for the relies upon orders 29.01.2018, 08.02.208 & 23.02.2018 passed in CRM-M Nos. 1801, 3624 & 6298 of 2018, respectively, vide which co-accused Partap

Singh, Jasbir Singh @ Kaka and Rajwinder Singh @ Sonu have already been granted concession of regular bail by this Court.

Learned counsel for the petitioner further submits that all the other co-accused including aforesaid co-accused have been granted concession of regular bail by this Court.

Learned counsel further submits that in the present case, the petitioner is in judicial custody for the last about seven months and seven days.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position and submitted that the petitioner is convicted in two cases under the NDPS Act and is facing trial in some other cases.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that all the other co-accused have already been granted concession of regular bail by this Court, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.”

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered on a complaint given by the Superintendent, Central Jail, Gurdaspur, a sudden fight took place between the inmates of the jail and several persons were injured.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 07 months and 29 days and he is also in judicial custody in some other cases since 2017 in which he is facing trial.

Learned counsel for the petitioner further submits that apart from aforesaid co-accused, some other co-accused have also been granted concession of regular bail by this Court.

Learned State counsel has filed custody certificate and has not disputed the factual position that many of the other co-accused have already been released on bail.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that it was a case of sudden fight between the jail inmates and also in view of the fact that other co-accused have already been granted concession of regular bail by this Court, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No