

**CRM-M-46057-2022**

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

**CRM-M-46057-2022**

**Date of decision:17.01.2023**

Mohd. Irshad @ Lotta

...Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. Himanshu Puri, Advocate for  
Mr. Sunny K. Singla, Advocate,  
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

**HARNARESH SINGH GILL, J. (ORAL)**

Through this petition, the petitioner seeks regular bail in case FIR No.109 dated 25.06.2016, registered under Sections 307, 458, 436, 332, 353, 186, 427, 148 and 149 IPC, Section 25 of the Arms Act, 1959 and Section 4 of the Prevention of Damage to the Public Property Act, 1984, at Police Station City-1, Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that as many as 19 accused have been arraigned in the present case; that there is no specific attribution to the petitioner and rather, the allegations are general in nature; that at one stage, the petitioner was declared innocent and challan had been presented; that at a later stage, the petitioner was summoned under Section 319 Cr.P.C. to face the trial, and that the petitioner was declared a proclaimed offender on 21.01.2019 and was arrested on 13.12.2021.

**CRM-M-46057-2022**

Learned counsel further contends that challan has been presented; that charges against the petitioner are yet to be framed, and that co-accused, namely, Mohammad Shahid @ Goshi and Abdul Hamid @ Billa have since been granted the concession of regular bail by a Coordinate Bench and this Court, vide orders dated 11.02.2022 and 15.09.2022, respectively.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused, was armed with deadly weapons and had actively participated in the occurrence; that the accused were on the verge of setting fire to the house of Retd. DGP. Learned State counsel also submits that at one stage, the petitioner was declared a proclaimed offender.

I have heard the learned counsel for the parties.

As many as 19 accused have been arraigned in the present case. However, there is no specific attribution to the petitioner. The petitioner was summoned under Section 319 Cr.P.C., to face the trial. Though the petitioner was declared a proclaimed offender at one stage, yet the fact remains that he has been in custody since 13.12.2021 and co-accused, namely, Mohammad Shahid @ Goshi and Abdul Hamid @ Billa have since been released on bail. There is no other case registered or pending against the petitioner.

Charges against the petitioner are yet to be framed. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

**CRM-M-46057-2022**

furnishing bail and surety bonds to the satisfaction of the learned trial  
Court/Duty Magistrate.

**17.01.2023**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |