
(2019) 01 P&H CK 0100

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 1950 Of 2019

Raju Singh @ Gohla @ Raju Mohala

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 24-01-2019

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 148, 149, 323, 325, 342, 365, 367

Citation : (2019) 01 P&H CK 0100

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Shivraj Angi, M.S. Nagra

Final Decision : Allowed

Judgement

Arvind Singh Sangwan, J

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.80 dated 19.08.2017, for offence punishable under Sections 365, 367, 342, 325, 323, 120-B, 148 and 149 of the Indian Penal Code (in short 'IPC') registered at Police Station Cantt. Bathinda, District Bathinda.

Counsel for the petitioner inter alia submits that the co-accused of the petitioner namely Jaswinder Singh @ Mota has already been granted the concession of regular bail by this Court vide order dated 08.01.2018 passed in CRM-M No.48218 of 2017 whereas Nasib Kaur has been granted the concession of interim anticipatory bail vide order dated 09.11.2017 passed in CRM-M No.34162 of 2017. The operative part of the order dated 08.01.2018 is reproduced as under:-

"Learned counsel for the petitioner submits that the mother of the petitioner had earlier filed CRM-M-17397 of 2017 seeking protection to her life and liberty against the other co-accused. The said petition was disposed of vide order dated

17.05.2017 with a direction to the Senior Superintendent of Police, Bathinda to look into the grievance of the petitioner i.e. mother of the present petitioner. Learned counsel for the petitioner further submits that the present FIR is in fact a counter blast to the earlier complaint filed against co-accused. He also submits that the petitioner is in judicial lock up since 07.09.2017; the investigation has already been completed and is no more required for further investigation. It is further submitted that the mother of the petitioner has filed CRM-M-34162 of 2017 and she has been granted anticipatory bail vide order dated 14.09.2017, which stands confirmed.

The learned State counsel, on instructions from HC Rajpal, has opposed the bail on the ground that there are allegations of beating one Vicky Singh.

Without commenting on the merits of the case, considering the fact that the mother of the petitioner, who is a co-accused, has been granted anticipatory bail and in view of the fact that on an earlier occasion, she has filed a petition before this Court for apprehending threat to her life and liberty at the hands of other co-accused and also in view of the fact that the petitioner is in judicial lock up since 07.09.2017 and challan has already been presented before the trial Court, the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate."

Counsel for the petitioner has further submitted that the allegations against the petitioner are similar to the co-accused, who have been granted the concession of bail and no specific injury is attributed to the petitioner. It is also submitted that the petitioner is in custody since 03.09.2017 and only one prosecution witness, out of 11 PWs, has been examined and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Sandeep Kumar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner have already been granted the concession of bail; he is in custody since 03.09.2017; no specific injury is attributed to the petitioner; only 01 PW, out of 11 prosecution witnesses, has been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.