

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32730-2020

Date of decision : 06.11.2020.

Jagtar Singh Johal @ Jaggi

... Petitioner(s)

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Mandeep Kaushik, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.193 dated 17.12.2016, under Sections 419, 420, 467, 468, 471, 120-B IPC, Section 25 of the Arms Act and Sections 17/18/19/20 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station Baghapurana, district Moga.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused that the petitioner along with other accused is indulging in unlawful activities including target killings. He, however, contends that nothing has been recovered from the petitioner and no overt act is attributed to him. The petitioner is in custody for over 03 years and is not involved in any other case. He also contends that similarly situated co-accused, namely, Jagjit Singh and Dharaminder Singh @ Gugni have been granted regular bail by the Coordinate Bench as well as by this Court in CRM-M-15443 of 2018 and CRM-M-21473 of 2020, on 24.04.2018 and 04.09.2020 respectively.

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Learned State counsel has filed short reply by way of an affidavit of Deputy Superintendent of Police, Baghapurana, district Moga in Court, through e-mail, which is taken on record. Learned State counsel, upon instructions from ASI Raghvinder Singh, contends that 16 out of 75 prosecution witnesses have been examined. He, however, contends that the petitioner along with other accused was involved in unlawful activities and has been instigating others.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner has been arraigned as an accused on the statement of co-accused; nothing has been recovered from the petitioner; he is in custody for over 03 years; he is not involved in any other case; co-accused have been granted regular bail; the COVID-19 pandemic, and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

November 06, 2020

sonia gugnani

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