

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

CRM-M No.18026 of 2015

Date of Decision:-01.10.2015

Gagandeep Singh @ Gagan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Karanjit Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
along with ASI Bachan Lal.

Mr. Navkiran Singh, Advocate for the complainant.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of regular bail under Section 439 Cr.PC to the petitioner Gagandeep Singh @ Gagan in case FIR No.39 dated 12.06.2012 for offences punishable under Sections 307, 302, 148, 149 of Indian Penal Code and Sections 25/27/54/59 of Arms Act registered with Police Station Purana Shalla, District Gurdaspur.

As per the FIR, the complainant Joga Singh along with his father Surinder Singh, brother Bhupinder Singh, uncle Vikramjit Singh and Onkar Singh at around 6.00 pm on 12.6.2012 were present near shops, when two cars came and Tarunjit Singh armed with pistol, his brother Harjot Singh armed with .12 bore Rifle, Harpreet Singh armed with .12 bore Rifle,

Varinder Singh armed with pistol and some other persons alighted from the said cars and opened fire on the complainant party. Around 10/15 fire shots are alleged to have hit on the person of Onkar Singh on different parts of his body while father Surinder Singh, brother Bhupinder Singh and son Vikramjit Singh also are alleged to have received injuries. The name of the petitioner surfaced in the supplementary statement of the complainant on the next day.

It is submitted that on an enquiry conducted by DSP the present petitioner was found to be innocent vide enquiry report dated 14.09.2012.

It is submitted that in such backdrop the petitioner had gone abroad. He was however, declared proclaimed offender on 27.10.2012. Subsequently, he was arrested on 21.08.2014 from the Airport and since then he is stated to be in custody.

It is contended that the name of the petitioner was subsequently added and even then no role has been attributed.

Learned Counsel for the complainant submits that the petitioner was involved in two other cases apart from the fact that the accused-party has threatened one of the witnesses.

Learned State Counsel on instructions from ASI Bachan Lal admits that in the other two FIRs, in one he was acquitted and in the other a cancellation report was filed. He further concedes that as regards the complaint regarding threat to the witnesses, an enquiry was conducted by DSP City, Gurdaspur and the allegations were found to be false.

Be that as it may, without commenting upon the merits of the case, keeping in view the above, no useful purpose is going to be served by keeping the petitioner behind the bars. As such the present petition is

allowed and petitioner is ordered to be released on bail to the satisfaction of
CJM/Duty Magistrate, Gurdaspur.

**(JASWANT SINGH)
JUDGE**

October 01, 2015
Vinay