

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

**CRM-M No.21976 of 2018
Decided on: 01.06.2018**

Gurvir Singh @ Sonu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Nagar Singh, Advocate
and Mr. J.S. Mohri, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this second petition is for grant of regular bail to the petitioner in FIR No.193 dated 21.09.2016, for offence punishable under Sections 307, 341, 427, 148, 149 of the Indian Penal Code (in short 'IPC') and 25/27 of the Arms Act registered at Police Station Dera Bassi, District S.A.S. Nagar.

Counsel for the petitioner has submitted that the first bail application of the petitioner was dismissed as withdrawn and, thereafter, he has filed the present petition praying for regular bail as his co-accused namely Simranjeet Singh @ Prince, who is a similarly situated person was granted the concession of regular bail vide order dated 10.05.2018 passed in CRM-M No.14871 of 2018, in which the following order was passed:-

“Counsel for the petitioner has submitted that the first petition filed by the petitioner was dismissed as withdrawn, however, in the second petition, it was directed

that the petitioner can file the petition after examination of the injured witness. It is further submitted that the injured witness PW1 – Dalbir Singh appeared before the trial Court and his examination-in-chief was recorded partly and, thereafter, his further examination-in-chief was deferred on the request of the Public Prosecutor to enable him to move an application under Section 319 Cr.P.C. Thereafter, the trial Court vide order dated 16.08.2017 (Annexure P2) allowed the said application for summoning 05 additional accused persons and the case is now pending for awaiting appearance of the said additional accused persons.

Counsel for the petitioner has further argued that the fresh ground for filing bail application is that the co-accused of the petitioner namely Sunil Gujjar, Varinder Singh, Rajat Kumar @ Golu, Abhishek Sharma @ Vishu Pandit and Diljot Singh @ DJ, who have been summoned under Section 319 Cr.P.C., have already been granted the concession of anticipatory bail by this Court vide order dated 09.05.2018 passed in CRM-M Nos.9254, 10443, 7580, 9445 and 11990 of 2018 and the trial will commence de novo, as charges are yet to be framed against the persons who have been summoned under Section 319 Cr.P.C.

Counsel for the petitioner has also submitted that the petitioner is in judicial custody since 29.09.2016 and as per the allegations in the FIR, the occurrence had taken place at 03 places and the role of the petitioner is shown at the third place. It is also submitted that the conclusion of the trial is likely to take some time.

Counsel for the State, on instructions from HC Paramjit, has not disputed the factual position as well as the fact that 05 additional accused, summoned under Section 319 Cr.P.C. have already been granted the

concession of anticipatory bail, but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 29.09.2016 and the trial will commence de novo, after the appearance of the co-accused who have been summoned under Section 319 Cr.P.C.; charges are yet to be framed against the accused persons and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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

Counsel for the petitioner has further submitted that as per the allegation in the FIR, the injuries by fire arm was caused to the complainant by 03 persons namely Bappi Rana, Mohit and Soni Dapar and the incident has taken place at 3 places and the petitioner is named in the incident at 3rd place and he is not attributed any injury.

Counsel for the State, on instructions from HC Paramjit Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; conclusion of the trial is likely to take some time and he is not involved in any other case, this petition is allowed and the petitioner is ordered to be released on bail

subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

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

(ARVIND SINGH SANGWAN)
JUDGE

01.06.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No