

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-27873 of 2018

DATE OF DECISION:10.10.2018

Gurpreet Singh @ Shambu

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

Mr. G.S. Sidhu, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Gurpreet Singh @ Shambu in case FIR No. 162 dated 29.7.2017 registered under Section 306 IPC at Police Station Canal Colony, Bathinda.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case and no offence under Section 306 IPC is made out. Learned counsel further contends that co-accused of the petitioner, namely, Makhan Singh and Lakhwinder Singh @ Lakha have approached this Court by way of filing Crl. Misc. Nos. M-3574 of 2018 and 11831 of 2018 for grant of regular bail, which were allowed vide orders dated 6.3.2018 and 13.7.2018, respectively. The petitioner is in custody since 29.7.2017.

Learned counsel for respondent-State has not disputed the

custody period as well as release of co-accused on regular bail but opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is also convict in case FIR No. 161/13 registered under Sections 307/326/324/323/506/148/149 IPC at Police Station Raman Bhatinda, wherein, his sentence has not been suspended.

Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner not only on the ground of seriousness of the offence but also on the ground that the petitioner is habitual offender and is also convict in another case, in which he is still in custody.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents on the file.

Admittedly, co-accused, namely, Makhan Singh and Lakhwinder Singh @ Lakha have already been released on regular bail by this Court and role of the petitioner is par with them. No doubt, in case the sentence imposed upon the petitioner in another case is not suspended, the petitioner cannot come out from jail. However, by considering the custody as well as role of the petitioner, which is at par with co-accused, the present petition is allowed. Petitioner-Gurpreet Singh @ Shambu is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court, in case he is not required in any other case.

October 10, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes