

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

201

CRM-M No.44415 of 2017

Date of Decision: January 30th, 2018

Gagandeep Singh alias Gagan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manbir S. Basra, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.43 dated 10.06.2017 registered under Sections 307, 212, 216 IPC and Section 25 of Arms Act, at Police Station Kahnuwan, District Gurdaspur, during pendency of the trial.

It is the contention of learned counsel for the petitioner that the petitioner is not named in the FIR and according to the allegations, it is the case of the State that the naka was laid to arrest Ravinder Singh @ Giana along with other gangsters. As per the FIR, at the naka, instead of alighting from Bolero car, three occupants of the said car started firing at the police party. The police party also responded. All three of them tried to run away from the spot but Ravinder Singh @ Giana was hit on the left thigh resulting in his arrest from the spot along with a .32 bore pistol and three live cartridges and three empty cartridges. The two other co-accused managed to escape from the spot. On the disclosure statement of co-accused Ravinder Singh @ Giana, petitioner namely Gagandeep Singh alias Gagan and Jagroop Singh were arrested on 12.06.2017. Although recovery was effected from Jagroop Singh of a stolen Honda City car, no recovery has

been effected from the petitioner and, therefore, the petitioner is on a better footing. He contends that co-accused Jagroop Singh has been granted the concession of regular bail by this Court in CRM No.M-40021 of 2017 decided on 31.10.2017 (Annexure P-1). He thus contends that the petitioner being similarly placed and he being in custody for the last seven months, may be granted the concession of regular bail.

On the other hand, counsel for the State contends that the petitioner was involved in the attack on the police party on the special naka which was laid by the police. He managed to escape from the spot and his name has been disclosed by the co-accused who was arrested from the spot. He could not dispute the fact that no recovery has been effected from him and that the petitioner is in custody for the last seven months. He, on instructions from ASI Bhupinder Singh, Police Station Kahnuwan, District Gurdaspur, states that the case has been committed to the Sessions Court on 02.01.2018 and the case is fixed for framing of charge on 06.02.2018. He, therefore, prays that the petitioner be not granted the concession of bail.

Having considered the contentions of the counsel for the petitioner and keeping in view the fact that the petitioner is similarly placed rather on a better footing than co-accused Jagroop Singh who has been granted the concession of regular bail by this Court on 31.10.2017 (Annexure P-1) after having been in custody for four months, whereas the petitioner is, in the present case, in custody for the last more than seven months, the present petition is allowed as the trial is not likely to conclude soon.

Petitioner-Gagandeep Singh alias Gagan is directed to be released on bail to the satisfaction of the trial Court on submission of adequate bail/surety bonds to its satisfaction.

January 30th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

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