

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

CRM-M-49783 of 2017 (O&M)

Date of Decision: December 06, 2018

Sukhdeep Singh @ Jagga

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S.Sidhu, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, D.A.G., Punjab.

Mr. A.S.Mann, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 80 dated 27.08.2016 registered for the offences punishable under Sections 302, 120-B, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Bareta, District Mansa. (offence punishable under Section 323 IPC was added later on).

Heard.

Learned State counsel submits that the occurrence in this case took place on 26.08.2016 in which injuries were caused to Parminder Singh and Daljit Singh @ Gaggi @ Ford. While Daljit Singh @ Gaggi @ Ford died because of injuries received by him, injured Parminder Singh was taken to hospital on the next day. His statement was recorded on

30.08.2016, wherein he named six persons along with petitioner, who had caused him injuries but stated that he could not identify remaining assailants due to darkness. It was at later stage on the basis of secret information received by the police and on extrajudicial confession of petitioner before Malkiat Singh on 28.09.2016, the petitioner was nominated in this case.

Petitioner-Sukhdeep Singh @ Jagga was named by injured-Parminder Singh in his statement dated 30.08.2016, wherein he stated that he could identify him in the light of motorcycle and has attributed injuries on his person and also on the person of deceased.

The first bail application filed by the petitioner was dismissed with the observations as follows:

Petitioner-Sukhdeep Singh @ Jagga (in CRM-M-28806-2017) was named in the statement of injured recorded on 30.08.2016, when he was declared fit to make statement. He has specifically stated that in the light of motorcycle he could identify Balwinder Singh @ Bittu son of Chand Singh, Leela Secretary, Satguru Member @ Dhiana, Satnam son of Leela Secretary and Avtar Singh Tari and Jagga (nephew of Bhura Pradhan). He has further stated that all the aforesaid persons caused injuries to him and deceased-Daljeet Singh @ Goggi @ Ford and were proclaiming that they will not spare complainant (injured-Parminder Singh) and deceased-Daljeet Singh. Thereafter, he became unconscious.

Learned counsel for the petitioner submits that other three persons, who were named by injured-Parminder Singh have been allowed bail vide orders as follows:

<i>Sr. No.</i>	<i>Name</i>	<i>Date of order</i>	<i>Passed in CRM-M</i>
1.	Satgur Singh @ Dhiana Panch	26.11.2018	17235 of 2018
2.	Avtar Singh	26.11.2018	4549 of 2018
3.	Gurtej Singh @ Leela	26.11.2018	3764 of 2018

Learned State counsel has not disputed that case of petitioner is at par with above accused, who have released on bail.

Keeping in view of above facts and applying the principle of parity, this petition is allowed and petitioner namely Sukhdeep Singh @ Jagga is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 06, 2018

Jyoti-II

***Whether speaking/reasoned
Whether reportable***

**(SURINDER GUPTA)
JUDGE**

***Yes/No
Yes/No***