

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-16147-2019 (O&M)  
Date of Decision:-12.4.2019

Jaskaran Singh @ Karan

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

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**GURVINDER SINGH GILL, J.**(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.113 dated 5.5.2016 at Police Station Sultanwind, Amritsar under Sections 302, 307, 148, 149 and 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.

The FIR was registered at the instance of complainant-Vishal Kumar who has stated that on the day of occurrence he along with Baga @ Sunny, Rahul @ Hariya, Deepu, Vicky and Ajay were returning back after attending marriage. On the way, they were way laid by Bobby Malhotra, Kaddu @ Gaurav Gicky, Shiva, Pawan @ Tamba, Suraj @ Bhukh, Arun, who were armed with pistols and revolvers and out of whom Bobby raised

'lalkara' and fired a shot hitting the head of the complainant's brother and thereafter the accused fired several shots hitting complainant's brother namely Hariya in stomach and which also hit Deepu and Bawa. It is the case of prosecution that Hariya succumbed to his injuries while Deepak @ Deepu and Baga @ Sunny also sustained injuries.

Learned counsel for the petitioner seeks bail mainly on the ground of parity and has submitted that as many as 8 of the co-accused out of 20 have already been granted regular bail including three of the accused who are specifically named in the FIR. Learned counsel has submitted that Shahid Baba, Pawan @ Tamba and Suraj @ Bhukh, who are specifically named in the FIR have been released on regular bail apart from Mukesh @ Gikki, Simranjit, Aman Kumar @ Mota and Sukhpal Singh @ Shiva. The learned counsel has contended that even as per the case of prosecution, the petitioner has not caused any injury or fired any shot at the complainant party.

The aforestated position is not disputed by the learned State counsel, who has informed that the petitioner has been behind bars since the last more than nine months. The learned State counsel has further informed that infact the petitioner evidently was part of the conspiracy as he had furnished information to the co-accused, who had fired shots, about the moment of the complainant party. The learned counsel in this context has referred to the statement of the injured Sunny, who has specifically stated that he had heard Sahid @ Baba and Jaskaran Singh talking on mobile phone outside the palace while providing information to the Bobby Malhotra regarding the departure of the complainant party. The learned State counsel

has informed that not even a single prosecution witness out of the cited 63 prosecution witnesses, has been examined so far.

Having regard to the facts and circumstances of the case and while also bearing in mind the fact that the petitioner admittedly was not present at the spot and had not actually participated in causing any injury or firing any shot and is stated to have furnished information regarding the moment of the complainant party and while also bearing in mind the custody period of the petitioner, which is stated to be more than nine months and while also noticing that other co-accused identically situated have already been granted bail, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Jaskaran Singh @ Karan is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

**12.4.2019**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No