

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

CRM-M-55862-2018 (O&M)
Date of Decision:- 22.2.2019

Shiva ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.113, dated 05.05.2016, registered at Police Station Sultanwind, District Amritsar, under Sections 302, 307, 148, 149, 120-B of Indian Penal Code, 1860 and Sections 25 of Arms Act.
- 2 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 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.

3. Learned counsel for the petitioner seeks bail mainly on the ground of parity and has submitted that as many as 7 of the co-accused out of 19 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.
4. The aforesaid position is not disputed by the learned State counsel and has also informed that as on date the petitioner has been behind bars since the last more than 1 year and 9 months. It has also been informed that as on date only 2 PWs out of the cited 42 PWs have been examined.
5. Having regard to the facts and circumstances of the case and bearing in mind the custody period of the petitioner and that the trial in its likelihood is not likely to be concluded in immediate future, given the fact that the large number of PWs have been cited and also on ground of parity, the petition, is accepted and petitioner-Shiva is ordered to

be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. This petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 22, 2019
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(GURVINDER SINGH GILL)
JUDGE

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