

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

CRM-M-31831-2020

Date of decision: **15.10.2020**

ASHISH DEORA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Amaninderpreet Singh, Advocate
for the complainant.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a registered vide FIR No.104 dated 4.8.2019 under Sections 302, and 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act, 1959 at Police Station Phase 11, District SAS Nagar, Mohali.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that there had been an incident of firing at Walking Street Club, Phase XI, Mohali. The police party after reaching at the spot made inquiries and came to know that Charanjit Singh @ Sahil and his companions had a quarrel with Sukhwinder Kumar and that Charanjit

Singh @ Sahil had fired shots at Sukhwinder Kumar resulting in his death. It is further the case of prosecution that on the same day i.e. on 4.8.2019, statement of Sehajpreet Singh was recorded in terms of Section 161 Cr.P.C., wherein he stated that he is a resident of District Bathinda and that his real brother namely Jaspreet Singh is posted in the security of Chief Minister, Punjab along with one Sukhwinder Kumar. It is stated that on 3.8.2019, he along with two other co-villagers had come to Mohali to visit his brother. Since his brother was not well, therefore, he (Sehajpreet Singh) went to Walking Street Club, Phase XI, Mohali alongwith Sukhwinder Kumar, where Sukhwinder Kumar had an altercation with three other persons, who threatened to commit his murder. However, upon intervention of Sehajpreet Singh, the said persons went out. Sukhwinder Kumar disclosed to Sehajpreet Singh the names of the said persons as Charanjit Singh @ Sahil, Ashish Deora and Atul Gupta and also disclosed that he had an altercation with them a few days earlier. The said witness further stated that when they came out of the club at about 3:15 A.M., then Charanjit Singh @ Sahil hurled abuses to Sukhwinder Kumar while his companions raised 'Lalkara' exhorting Charanjit Singh @ Sahil to fire at Sukhwinder Kumar upon which Charanjit Singh @ Sahil fired from his pistol at Sukhwinder Kumar hitting him in his chest and thereafter fired 3-4 more shots. It is further the case of prosecution that statement of Vicky Kumar was also recorded in terms of Section 161 Cr.P.C. on 9.10.2019, who stated that he was working as a Bouncer at Walking Street Club, Phase XI, Mohali and that on the day of occurrence Charanjit Singh @ Sahil and Sukhwinder Kumar were grappling with each other and that he

had seen Charanjit Singh @ Sahil taking out a pistol from his car and firing shots at Sukhwinder Kumar.

3. The learned counsel for the petitioner submits that, even if the allegations as levelled in the FIR and also as borne out from the statements of the witnesses recorded under Section 161 Cr.P.C. are taken to be correct, still the only allegation against the petitioner is that he had raised a '*Lalkara*' and that the petitioner is neither alleged to be armed with any weapon nor is alleged to have caused any injury to the deceased. It is further submitted that the petitioner is entitled for bail on the ground of parity as co-accused Atul Gupta @ Shantu has already been granted bail by this Court on 9.10.2020 passed in CRM-M-31357-2020.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner was accompanying the main accused, who had fired shots and had in fact exhorted him to fire shots at the deceased, no case for grant of bail is made out. The learned State counsel, upon instructions from ASI Nirmal Singh, has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year & 2 months and that the petitioner is not involved in any other case.
5. Having regard to the facts and circumstances of the case especially that the petitioner is not stated to be armed with any weapon and is not attributed any injury and is attributed a '*Lalkara*' only and that the petitioner as on date has been behind bars since the last more than 1 year and 2 months and is not even stated to be involved in any other case and that similarly situated co-accused of the petitioner has already been

granted bail by this Court, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner 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.

15.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**