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

CRM-M No. 35245-2019

Date of Decision: 08.01.2020

Udhay Partap Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal Rattan Lamba, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG Punjab.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed for grant of regular bail to the petitioner in cross case registered vide DDR No. 40 dated 22.04.2016 under Section 307, 324, 323, 148, 149 of IPC, 1860 (Section 302, 325, 201 IPC added later on) in FIR No. 81 dated 21.04.2016 registered at Police Station Dera Bassi (Annexure P-1).

Learned senior counsel for the petitioner has submitted that in the present FIR there are total nine accused persons and it was a cross case in which on the behest of the petitioner FIR No. 81 was also registered against the other party. He has further submitted that out of these nine accused, five accused have

further submitted that as per the FIR the role attributed to the petitioner is *Gandasa* blow on the head of Sandeep Kumar-witness and bail has been granted to one Bakshish Singh to whom the role attributed was fire by way of gunshot. Similarly, the bails which have been granted to these five persons are by way of the orders as follows:-

1. CRM-M-36357-2019- Munish Kumar- 03.10.2019
2. CRM-M-41137-2019- Bakshish Singh- 30.10.2019
3. CRM-M-36777-2019- Tarun Kumar @ Tarun Partap- 21.05.2019
4. CRM-M-27391-2019- Gulab Singh - 19.08.2019
5. CRM-M-29751-2019- Charan Singh – 19.08.2019

Learned senior counsel further submits that the petitioner has been in custody since 24.05.2016 which is approximately more than three years and seven months and therefore he prays that the concession of bail be also extended to him.

Per contra learned State counsel submits on instructions, that the charges in this case were framed on 08.08.2016 and out of 31 witnesses, three have been examined and one has been given up by the prosecution. He has opposed the grant of bail on the ground that the matter is serious in nature.

This Court has heard learned counsel for the parties and after perusing the record, it is not disputed that the case is a cross version and it is also not disputed that out of five other accused, the one who fired by way of gunshot has been enlarged on bail and it is also not disputed that the petitioner is in custody for the last three years and seven months and the charges were framed on 01.03.2018 after which only two witnesses have been examined.

Learned Senior counsel for the petitioner has also pointed out to the *zimni* orders of the learned trial Court which would show that one Raman Kumar at whose behest the present FIR had been lodged is delaying the prosecution process.

Apart from this, the said Raman Kumar is also accused in the cross FIR and is already on bail. So far as the role attributed to the petitioner is concerned he had allegedly caused injury on the head of Sandeep Kumar-witness by way of a *gandasi* blow, which is otherwise not serious in nature as stated by learned Senior counsel on the basis of MLR.

Therefore, taking into consideration the totality of circumstances, this Court deems it appropriate and fit to admit the petitioner to bail.

Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing adequate bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

08.01.2020
Parveen Sharma

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No