

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

CRM-M-31831-2021 (O&M)

Date of Decision:- 27.10.2021

Rajpal Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Nain, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Gurpreet Kaur.

(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 case registered against him vide FIR No.22, dated 29.1.2020, Police Station Sadar, District Patiala, under Sections 302, 341, 323, 427, 506, 120-B IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Gian Singh wherein it is alleged that on the day of occurrence i.e. on 29.1.2020 one Innova car

hit against motorcycle being driven by his son Gurdeep Singh @ Deepak as a result of which his son fell down. When the complainant's son got up and tried to run away, another vehicle i.e. one Audi car followed him and opened fire at him, resulting in his death.

3. Learned counsel for the petitioner submits that although in the FIR the complainant has disclosed the names of as many as 8 persons apart from stating that the said persons were accompanied by 7/8 unknown persons, but the petitioner is not named in the FIR and has been nominated subsequently after about 9 months on the basis of a supplementary statement of the complainant recorded on 30.10.2020. It has further been submitted that even in the said supplementary statement, the complainant has merely named as many as 16 accused without attributing any specific role to any of the accused. It has been submitted that it is apparent that the complainant in order to rope in a large number of accused and to settle his scores with all those with whom he might be having some enmity previously has named them in the supplementary statement. Learned counsel has further submitted that some other identically situated co-accused who were also named in the supplementary statement have already been granted bail by this Court vide orders dated 28.4.2021 and 26.5.2021 (Annexures P-3 and P-4), therefore, the petitioner also deserves the same concession on the grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named in the supplementary

statement made by the complainant, his complicity is clearly evident and as such he does not deserve to be released on bail. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 7 ½ months and is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR. The petitioner came to be nominated on the basis of a supplementary statement recorded after about 9 months of lodging of the FIR and even as per the said supplementary statement no specific role has been attributed to the petitioner. In any case, the petitioner has been behind bars for a period of more than 7 ½ months and other identically situated co-accused have already been granted bail by this Court which would entitled the petitioner to the same relief on the grounds of parity particularly when he is not even stated to be involved in any other case. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No