

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

CRM-M-29799-2020

DECIDED ON: 11th JANUARY, 2021

GAGANDEEP SINGH @ AFEEM

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Amit Chhabra, Advocate and
Mr. Kanwaljit Singh Brar, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case of FIR No. 120, dated 2nd October, 2019, under Sections 307, 353, 186, 34 IPC and Section 25 of Arms Act, 1959 registered at Police Station Kotkapura, District Faridkot.

The facts in brief are that on 2nd October, 2019 a barricade was set up near minor drain village Beer Sikhana Wala. One alto car bearing registration No. DL-9CL-0722 came from Kotkapura side. The car was signalled to stop, the driver of the car moved the car towards the police party. The occupants of the car took out a pistol and pointed towards the police party. A person sitting with the driver disclosed his name as Gagandeep @ Afeem (petitioner). The car was being driven by Kuljit Singh @ Dhillon. The other occupant of the car was Lakhvir Singh @ Khira. .32 bore country made pistol alongwith four live cartridges was recovered from the petitioner, .315 bore alongwith one live cartridge was recovered from Kuljit Singh @ Dhillon and .32 bore country made pistol alongwith five live cartridges was recovered from Lakhvir Singh @ Khira.

Learned counsel for the petitioner submits that

the co-accused Lakhvir Singh @ Khira and Kuljit Singh @ Dhillon have

been granted bail by this Court vide orders dated 16th June, 2020. The petitioner was not driving the car. He is in custody since 2nd October, 2019.

Learned State counsel opposes the grant of bail and submits that there are other cases pending against the petitioner and .32 bore country made pistol alongwith four live cartridges were recovered from him.

From the FIR it is evident that vehicle was being driven by Kuljit Singh @ Dhillon, petitioner was the occupant of the car. The co-accused Lakhvir Singh @ Khira and Kuljit Singh @ Dhillon have already been granted the bail by this Court. From the custody certificate it is forthcoming that in the cases mentioned petitioner is either acquitted or is on bail.

Considering the facts; petitioner is in custody for almost 15 months; the co-accused including the one who was driving the car have already been granted the bail and that conclusion of trial would take time, present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing surety/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that anything stated hereinabove shall not be construed as an expression on the merits of the case and is only for the purpose of deciding the bail application.

(AVNEESH JHINGAN)
JUDGE

11th JANUARY, 2021
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>