

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

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**CRM-M-35957-2020
Decided on : 15.01.2021**

Gagandeep Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Atma Ram.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 86, dated 14.04.2020, under Sections 302, 34, 120-B IPC and Section 25/54/59 of the Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa, Haryana.

Learned counsel for the petitioner *inter alia* contends that in the FIR in question allegations were levelled against the petitioner of firing from a pistol on the person of the deceased. However, in the supplementary statement, which was recorded on the very same day of the registration of the FIR, the complainant came up with a contrary version, in which, he attributed the gun shot injury on the person of the deceased to co-accused Lakhbir Singh, who has since been extended the concession of regular bail by the Juvenile Justice Board. Learned counsel for the petitioner has invited the attention of this Court to the statements recorded under Section 161 Cr.P.C. of Gurpreet Singh, an alleged eye-witness to the occurrence, who too has not uttered a whisper *qua* the participation of the petitioner in the occurrence in question, much less, his

presence at the spot. Learned counsel has further referred to final report under Section 173 Cr.P.C., which has since been presented in the Court, wherein too, the submissions made by him find corroboration, inasmuch as, the only role attributed to the petitioner in the crime in question is of being a conspirator.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Atma Ram, has submitted that no doubt no specific role has been attributed to the petitioner with respect to any injury having been inflicted on the deceased, much less, with a firearm by the petitioner, however, he was one of the conspirator to the crime. He has also not been able to controvert the factum of the complainant having not levelled any allegation against the petitioner in the supplementary statement, which was recorded soon after the registration of the FIR in question.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 02.05.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 15, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*