

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

CRM-M-36990 of 2020

DATE OF DECISION :- January 29, 2021

Amandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. G.S. Brar, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

Custody certificate filed by the State counsel be taken on record.

This petition for regular bail has been filed by petitioner Amandeep Singh, aged about 20 years, son of Dayal Singh, resident of village Ranjit Pur Their, Ward No. 5, Police Station and Tehsil Rania, District Sirsa, an accused in F.I.R. No. 400 dated 6.12.2019 registered with Police Station Sohana, District S.A.S. Nagar, Mohali for offences under Sections 307, 341, 323, 148, 149 and 201 (added later on) IPC.

Briefly stated the facts of the case as per prosecution story are that on 2.12.2019 at around 6.30 P.M. complainant Sukhjit Singh son of Jaswant Singh, resident of village Moulibaidwan Police Station Sohana, District Mohali, aged around 19 years had an argument with Jaswinder over picking up the ball while playing game of volleyball. Jaswinder abused the complainant. After some time, he along with 4-5 companions intercepted the complainant and his friends Rahul and Parminder and assaulted them. Two of the assailants had caught hold of the complainant whereas other started hitting him with stick and pipe in his stomach.

They did so with an intention to kill the complainant. Rahul and Parminder tried to intervene to save the complainant then they were also inflicted injuries. On an alarm being raised by the injured and several people arriving at the spot, the assailants ran away along with their Car and respective weapons. The injured were taken to hospital.

On the basis of statement of complainant, formal F.I.R. was registered and investigation in the case started. Petitioner Amandeep Singh was nominated as one of the assailants. He was accordingly arrested in this case on 20.9.2020. He had moved an application for regular bail before the Court of Sessions at S.A.S. Nagar, Mohali which was assigned to Additional Sessions Judge, S.A.S. Nagar, Mohali, who vide order dated 4.11.2020 dismissed the same. For that reason such accused has approached this Court for grant of relief of regular bail which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that neither the petitioner is named in the F.I.R nor any specific role has been attributed to him; Co-accused of petitioner Varinder Singh has been granted regular bail by a coordinate Bench of this Court whereas the main accused Jaswinder Singh, who is a juvenile has been granted pre-arrest bail by that very coordinate Bench vide consolidated order dated 5.10.2020. Copy of that order has been placed on record as Annexure P-3. Learned counsel for the petitioner has contended that on the ground of parity even petitioner deserves to be granted concession of regular bail. Though learned State counsel has offered vehement opposition to the prayer made by learned counsel for the petitioner but he has fairly conceded that the case of the present petitioner is at par with that of co-accused Varinder Singh, who has already been granted regular bail by this Court. It is stated that challan in this case has since been filed, however, formal charge has not been framed and the next date of

hearing in the trial Court is 4.2.2021.

In that way, the conclusion of trial is likely to take considerable time. Taking into view the period of custody which the petitioner has already undergone and that he is not named in the F.I.R and no specific injury is attributed to him and further a similarly situated accused Varinder Singh has already been granted concession of regular bail, the present petition calls for acceptance, the same is allowed. Resultantly Petitioner Amandeep Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate/Ilaqa Magistrate, S.A.S. Nagar, Mohali subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 29, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No