

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41686 of 2020 (O&M)

Date of Decision: November 09, 2021

Arshpreet Singh @ Arshdeep Singh @ Arsh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Manpreet Kaur, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.Parveen Sharma, Advocate for
Mr.Pankaj Bali, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.102 dated 29.05.2020, under Sections 323, 324, 341, 506, 427, 148, 149 IPC, 1860 and Sections 307 and 302 IPC (added later on), registered at Police Station, Khamano, District Fatehgarh Sahib, who is in custody since his arrest on 21.06.2020.

The FIR was registered on the basis of statement of Baldeep Sharma, who has stated that on 28.05.2020, he alongwith Gagandeep Kumar had gone to Morinda in Swift car bearing no.PB-12W-1717 to bring Harjit Singh and when they reached near Grain Market after taking Harjit Singh after 03.30 p.m., a motorcycle came from behind on which Harshpreet Singh and Simma were riding and started abusing them. Then they went to Khamanon market where he has received call of Simma that he wants to meet him but he refused. Then they were going to Chamkaur Sahib and when they reached near Badesha Kalan at about 04:00 p.m., Arshpreet

Singh Bhangu and Simma alongwith 8-10 persons encircled their car and attacked them. When they were trying to save themselves, Arshpreet Bhangu gave brick blow on his right eye and then Simma gave a kirpan blow on the left side of head of Harjit Singh and he fell down. Blood oozed out from his wound when he alongwith Gagandeep Kumar tried to rescue Harjit Singh, they were also given beatings. On hearing their cries, people started gathering there and accused fled from the spot with their respective weapons and threatened them while fleeing. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the name of the petitioner does not figure in the FIR and has produced copies of orders dated 21.01.2021 and 23.09.2021, whereby co-accused of the petitioner, namely, Jaspreet Singh and Jaswinder Singh, have been extended the concession of regular bail. It is pointed out that the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Baljinder Singh, has opposed the prayer, however, does not dispute the fact that the case of the petitioner is at par with the co-accused Jaspreet Singh and Jaswinder Singh, who have been released on bail. According to him, though the investigation of the case is complete, but the charges are yet to be framed and the case is fixed before the trial Court for the said purpose on 18.11.2021.

After hearing the learned counsel for the parties and considering the above background, this court finds that though the final report in the case was presented on 17.09.2020, but the trial is yet to

commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the similarly situated co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 21.06.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehgarh Sahib.

November 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No