

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

CRM-M-3377-2022 (O&M)
Date of Decision:-25.4.2022

Amandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harneet Singh Oberoi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab,
assisted by ASI Kuldeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.376 dated 23.10.2021, Police Station Kotwali, District Patiala, Punjab, under Sections 307, 323, 324, 341, 506, 148 and 149 of Indian Penal Code.
2. The FIR was lodged at the instance of Parveen, wherein it is alleged that on 23.10.2021, when he was travelling on a motorcycle with his friend Pardeep Kumar, their motorcycle was hit by a Swift Car due to which they fell down. It is alleged that five persons namely Babbu armed with a stick, Kaka carrying handle of a spade, Sahil armed with a knife, Gajan Dhaliwal armed

with a pistol and Darshan Baba armed a base-ball bat alighted from the said car. It is alleged that Gajan Dhaliwal fired from his pistol. The complainant and his friend Pardeep Kumar started running to save themselves. However, the complainant fell down. Sahil inflicted a blow with knife towards complainant's head, which hit him on his shoulder. Babbu is stated to have inflicted injuries on the legs of complainant. Kaka is stated to have hit the complainant on his back with the handle of spade. Darshan Baba, who was carrying a base-ball bat, also inflicted injury on complainant's back. In the meantime, Jaat and Prince came there on a motorcycle. Jaat is alleged to have inflicted an injury on complainant's left knee with a sharp edged object. Gajan Dhaliwal fired with his pistol hitting left thigh of the complainant. It is further alleged that Prince also inflicted injuries with a stick on complainant's leg and also with a sharp edged object. When the complainant tried to ward off the injuries with his hand, he received injuries on his fingers.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and is sought to be nominated as an accused on the premises that the person referred to as Jaat in the FIR, is the petitioner Amandeep Singh himself. Learned counsel has further submitted that, in any case, it is the co-accused Gajan Dhaliwal, who was armed with a pistol and had fired at the complainant, who is the main case. It has been submitted that since said Gajan Dhaliwal has been granted anticipatory bail by the Trial Court itself, therefore, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has first of all pointed out that pursuant to directions issued by this Court on 29.3.2022, it has been verified

that the person mentioned as 'Jaat' in the FIR is none else but the petitioner Amandeep Singh himself. It has also been submitted by learned State counsel that the petitioner Amandeep Singh stands involved in some other cases and in some of the said cases, he is referred to as Amandeep Singh @ Jaat. It has been submitted that since the petitioner is specifically named in the FIR and is also attributed specific injury on the left leg of complainant, no case for grant of bail is made out.

5. I have considered rival submissions addressed before this Court.
6. There can possibly be no dispute as regards the identification of the petitioner as the petitioner is referred as Amandeep Singh @ Jaat in some previous FIRs. A perusal of the FIR does show that it is the co-accused Gajan Dhaliwal, who was armed with a pistol and who had fired at the complainant with the help of said pistol. Since, the said Rajan, who as per learned State counsel is also known as Gajan Dhaliwal, has been granted the concession of anticipatory bail by the Trial Court, the petitioner, who has a lesser role attributed to him, also deserves the same concession on grounds of parity. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

25.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No