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

**CRM-M-7261-2021 (O&M)
Date of decision : 09.08.2022**

Sitara Singh @ Tony

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. L.M. Gulati, Advocate for the petitioner(s).

Mr. Avinit Awasthi, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.123 dated 04.08.2018, under Sections 302, 325, 307, 323, 324, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Islamabad, District Amritsar.

Allegations in this case are that on 04.08.2018 at about 2.30 p.m., complainant Dharminder Singh along with his friends Ranjit Kumar @ Golu and Gaurav Sharma was roaming in the fair of Gugga Peer near their village. Suddenly, Sagar armed with *datar*; Vicky Dhaga armed with *datar*; Arjan armed with *kirpan*; Kaka @ Pepsi armed with *kirpan*; Mani & Atul photographer, both armed with baseball bats; Tony armed with *datar* along with 6-7 unidentified persons (out of which one was armed with a double-barrel gun and another with a pistol) encircled them. Thereafter, upon exhortation of

Vicky Dhaga, all the assailants attacked them with their weapons. Out

of the assailants, one Sikh person fired a shot in the air with his .12 bore double barrel gun and then he fired a straight gunshot towards them with an intention to kill them. It hit Gaurav Sharma on his chest and Ranjit Kumar @ Golu on his right eye, whereas, complainant-Dharminder Singh received pellet injury on his head. Then Sagar gave a *datar* blow on his head. After inflicting injuries, all the accused fled from the spot.

This Court, on 23.02.2021, while granting interim bail to the petitioner, passed the following order:-

“Learned State Counsel shows his inability to assist the Court as no one has turned up from the concerned police station.

Purely in the interest of justice, posted on 22.04.2021.

Senior Superintendent of Police, Amritsar (Rural) is directed to take necessary action against the erring police official.

Since the co-accused with similar allegations has already been granted bail, therefore, the petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.”

Learned counsel, on instructions from petitioner, submits that two co-accused, namely, Om Parkash @ Vicky Pal and Arjun Singh with similar allegations have already been granted the concession of bail pending trial by this Court; thus, petitioner be also granted bail on parity. Further submits that petitioner is regularly appearing before

learned trial Court and he has not misused the concession of interim

bail. Further contended that there is no apprehension of the petitioner tampering with the evidence or influencing the course of trial. Also contended that there is no other criminal case pending against him.

Learned State counsel, instead of disputing the above factual position, acknowledged that petitioner is regularly appearing before learned trial Court and he has not misused the concession of interim bail.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is allowed and interim bail granted vide order dated 23.02.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

09.08.2022

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes No

Whether Reportable :

Yes No