

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

Criminal Misc.-M No.8890 of 2022 (O&M)
Date of Decision: March 08, 2022

Gagandeep Singh @ Gagan Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rahul Arora, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

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.83 dated 13.08.2021, under Sections 307, 323, 427, 34 IPC, 1860 and Sections 25 and 27 Arms Act, 1959, registered at Police Station, Cantt. Ferozepur, District Ferozepur, who is in custody since his arrest on 18.01.2022.

The above FIR was registered on the statement of Pardeep Dhawan, wherein it was stated that he has been posted as Incharge at Railway Station Post Office, Cantt.Ferozepur. On 13.08.2021 at about 1.30 p.m., his friend Ashok Kumar had to meet him at Sher Shah Wali Chowk. When the complainant was going on motorcycle bearing No.PB-05-AK-3514 and reached just ahead of Old Women Cell, then he heard sound of cracker and his back started itching. He thought that someone has pinched him with some sharp thing. He immediately stopped the motorcycle and

three individuals passed near him on a very high speed, out of which one boy, who was sitting behind was carrying pistol. Then he turned the motorcycle on the same side so that the complainant may reach at Amar Hospital, but when he accelerated the motorcycle from Women Cell Chowk towards his side, then the complainant suffered giddy just at some distance and his motorcycle hit in the footpath and he fell down, due to which he suffered multiple injuries on his head, arms, shoulder and other parts of body. Three boys after chasing on the motorcycle have fired a shot on him. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per allegations, unknown persons had attacked the victim Pardeep Dhawan, who suffered injuries in the alleged occurrence which took place on 13.08.2021 and subsequently, the petitioner along with others has been falsely implicated on the strength of supplementary statement of the injured recorded on 18.01.2022. He submits that the offence punishable under Section 307 IPC is attributed to co-accused Karan Pehalwan, who is in custody, whereas two of his co-accused Rahul Gakhar and Gulshan have already been released on regular bail by the trial court. He submits that the petitioner is in custody and since investigation is nearly complete, he be also released on bail.

On the other hand, learned State counsel, assisted by ASI Harbans Singh, while opposing the prayer has argued that the petitioner was driving the two wheeler, whereas co-accused Davinder Kumar and Karan Pehalwan were pillion riders and the alleged gun shot was fired by Karan from whom the weapon of offence has also been recovered. He, on instructions, further states that the petitioner is not involved in any other

case and investigation is nearly complete.

Considering the above background, custody of the petitioner and the fact that the trial is yet to commence, this court is of the opinion that his further detention behind the bars may not serve any useful purpose.

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

March 08, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No