

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

CRM-M-10957 of 2022 (O&M)

DECIDED ON: 27th July, 2022

Maan Singh and another

....PETITIONERS

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. C.M. Munjal, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 76 dated 8.7.2017, under Sections 307, 379, 323, 324, 148, 149 IPC, 1860 and Sections 325, 326 IPC 1860 added lateron and Sections 25/27 of Arms Act, 1959, registered at Police Station Lakho Ke Behram District Ferozepur.

Learned counsel for the petitioners claims parity with co-accused Harmeet Singh who were granted regular bail by this court on 4.3.2022.

On 4.3.2022, this court passed the following order:

"This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.76 dated 8.7.2017, under Sections 307, 379, 323, 324, 148, 149 IPC, 1860 and Sections 325 and 326 IPC, 1860 added lateron and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Lakho Ke Behram, District Ferozepur.

Brief facts are that FIR was registered at the instance of Talwinder Singh. There was a dispute between the complainant and the accused with regard to possession of land taken on lease. The incident took place on 7.7.2017. As per the contents the accused including the petitioner came on two-three vehicles. They were carrying fire arms. Injuries were inflicted to the complainant party. The role attributed to the petitioner is that he fired a shot which hit left thumb of Harjinder Singh.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.12.2021 and investigation is complete. He further submits that co-accused Angrej Singh who was allegedly having similar role, was granted bail by the trial Court. He further argues that the injury attributed to the petitioner is on non-vital part.

Learned State counsel opposes the prayer for bail and submits that the petitioner is involved in two more cases. Learned State counsel on instructions is not in a position to dispute parity of petitioner viz-a-viz with co-accused-Angrej Singh, so far as grant of bail is concerned.

Without commenting upon the merits of the case, considering that the injury attributed is on non-vital part, investigation is complete, no further recovery is to be made and the fact that co-accused was granted bail, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case."

Learned counsel for the State though opposes the prayer for bail, he is not able to distinguish the parity of the petitioner with the co-accused so far as grant of bail is concerned. However, he submits that both the petitioners were declared proclaimed offenders on 6.7.2019 and were arrested on 3.2.2022.

Learned counsel for the petitioners at this stage submits that in order to show their *bonafide* and to meet the apprehension raised by learned State counsel, the petitioners are ready to deposit cash security of Rs.30,000/- each with the trial Court subject to out come of the trial.

Without commenting upon the merits of the case, considering that though investigation is complete conclusion of trial is likely to take time, the petitioners are ready to deposit Rs.30,000/- each to prima-facie establish their *bonafide* and on the basis of parity with co-accused, the petitioners are granted bail on deposit of Rs.30,000/- each with the trial Court/Chief Judicial

Magistrate/ Duty Magistrate concerned.

The amount deposited shall be kept in FDR in a nationalised Bank subject to the outcome of the trial. In case of failure of the petitioners to appear during the trial, the amount so deposited shall be forfeited.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

27th July, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>